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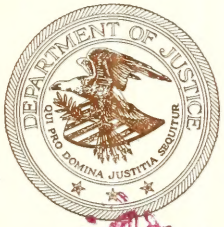

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U.S. Congress.
Congressional document series.

TO THE

EXECUTIVE DOCUMENTS,

PRINTED BY ORDER OF THE SENATE,

FOR THE

FIRST SESSION OF THE FORTY-FIRST CONGRESS

OF THE

UNITED STATES OF AMERICA.

1869.

IN SIX VOLUMES.

Volume 1 contains Nos. 1 to 10, inclusive, and No. 12.
Volumes 2, 3, 4, 5, 6 contain No. 11, (Alabama Claims.)

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1870.

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TO

THE EXECUTIVE DOCUMENTS

OF

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FOR THE

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CORRESPONDENCE

CONCERNING

CLAIMS AGAINST GREAT BRITAIN,

TRANSMITTED TO THE

SENATE OF THE UNITED STATES

IN ANSWER TO THE

RESOLUTIONS OF DECEMBER 4 AND 10, 1867, AND OF MAY 27, 1868

VOLUME III.

WASHINGTON:
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1870.

PAPERS

RELATING TO

CLAIMS AGAINST GREAT BRITAIN.

REBEL CRUISERS—CONTINUED.

THE ALABAMA.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
69	Mr. Dudley to Mr. Seward.	May 16	The gunboat building by Laird & Co., at Birkenhead, was launched on the 15th. She is built in the strongest and best possible manner, and the workmen say is for the rebels, and to be the sister of the Oreto.	1
84	..... do	June 18	The gunboat building by Laird & Co. will soon be completed. She has made a trial trip, on which the guests were principally rebel sympathizers. She is a very superior boat. She will be ready for her armament in two weeks, and her guns, when mounted, can be used on both sides.	1
179	Mr. Adams to Mr. Seward.	June 26	Has represented the case of the vessel building by Laird & Co. to the government, but from previous ill-success in the case of the Oreto, has little hope of a favorable result. Has requested Captain Craven, of the Tuscarora, to come to Southampton for orders.	2
86	Mr. Dudley to Mr. Seward	June 27	Being satisfied that Lairds' gunboat is fitting out as a rebel cruiser, has made statement by letter to Mr. Adams to that effect. She may sail next week. Captain Bullock will command her. She will probably commence her cruise immediately on leaving port.	3
87	Mr. Wilding to Mr. Seward.	July 5	Incloses description of Lairds' gunboat. Captain Bullock's authority already recognized on board. Crew already engaged, but not regularly shipped, and are only to come on board when she sails. The Rosalind is at Liverpool, with an armament on board suitable for the gunboat.	3
184	Mr. Adams to Mr. Seward.	July 9	Incloses correspondence with government in reference to Lairds' gunboat: First. His note to Lord Russell, June 23, inclosing Mr. Dudley's letter containing information in regard to the vessel. Secondly. Lord Russell's reply, June 25, stating that the matter had been referred to the proper department of her Majesty's government. Thirdly. Lord Russell's note, July 24, inclosing report of commissioners of customs, which gives a description of vessel, and states the builders do not deny that she is for a foreign government, but that charges are not sufficiently supported to	4

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.	justify interference. Commissioners will keep a strict watch on vessel, and suggest that the United States consul submit his evidence in the case to the collector at Liverpool. Fourthly. Mr. Adams's note to Earl Russell, July 7, acknowledging receipt of latter's note of 4th inst., and stating that instructions have been given the consul to place his evidence before the collector.	
88	Mr. Dudley to Mr. Seward.	July 9	According to Mr. Adams's request, will furnish evidence in case of Lairds' gunboat to collector at Liverpool, where it can be done without violation of confidence. The British government should not throw upon us the burden of proof. The gunboat, should she escape, will probably endeavor to capture some of the California steamers with specie. The Rosalind, with armament previously referred to, sailed on Saturday.	9
89	..... do	July 11	Inclosing note to collector in regard to Lairds' gunboat, and collector's answer. Also, note to Mr. Adams, covering copy of collector's reply, and description of inside of vessel. If we must prove by legal evidence that she is intended for the rebels, it is hardly worth while to apply to the government to stop her. Statement of Richard Brougan shows Captain Bullock's connection with the vessel, and that she is intended for the insurgents. Her armament is to consist of twelve 32-pounders and three large swivel-guns.	9
90	..... do	July 12	Lairds' gunboat, (now called No. 290,) is under command of Captain Butcher, a British subject, and an officer of the Cunard line. He will turn over command to Captain Bullock when vessel gets out to sea, and remain as second officer. The man shipping the crew is also in the Cunard Company's service.	11
299	Mr. Seward to Mr. Adams.	July 12	Acknowledging receipt of No. 179. Has communicated imperfect information therein contained relative to attempted violation of neutrality at Liverpool to Navy Department. On account of fitting out of Oreto, &c. Congress is about to authorize the issue of letters of marque and reprisal for suppression of piracy.	11
187	Mr. Adams to Mr. Seward.	July 17	Tuscarora still at Southampton undergoing slight repairs. Consul at Liverpool has made representations to the collector in regard to the "290," which were rejected on account of informality. Mr. Adams has asked legal advice respecting expediency of another form of procedure against the vessel, suggested by Lord Russell. Has fully informed Captain Craven, and advised him to attempt to intercept the vessel on her way out.	12
93	Mr. Dudley to Mr. Seward.	July 18	Inclosing letter from Collector Edwards in reference to the "290," stating government	12

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
			deems evidence insufficient, and declining to act. A solicitor, Mr. Squarey, who thinks evidence enough to hold the vessel, has, by direction of Mr. Adams, been retained to make out a case under foreign enlistment act.	
	Mr. Dudley to Mr. Seward.	July 22	Difficulty of getting direct proof in case against the "290," on account of the hostile feeling in Liverpool. Has procured two witnesses from crew who testify positively that she is a rebel vessel. Evidence was laid before collector. Mr. Collier thinks it necessary to take steps to have vessel condemned, even should collector decide to stop her.	13
95	.....do	July 25	Has returned from London, where two additional affidavits of members of crew of the "290" were procured, which were laid directly before the board of customs. Board had decided previous evidence insufficient, upon which a contrary opinion was procured from Mr. Collier, which was inclosed to the board with affidavits and a note from Mr. Squarey, asking them to reconsider. Incloses affidavits which were laid before Earl Russell by Mr. Adams. Mr. Squarey has shown Mr. Layard Mr. Collier's opinion, and requested him to act promptly. The question of security to the collector has not arisen. Mr. Collier thinks proceedings for condemnation necessary under the act, and to justify the collector in holding the vessel. Both counsel deem the case strong enough to procure her condemnation before any court.	14
196	Mr. Adams to Mr. Seward.	July 25	Incloses two opinions of Mr. Collier as to illegality of fitting out of the "290." Has directed Mr. Dudley to act vigorously and render professional advice. Thinks Mr. Collier's second opinion that United States may have serious ground of remonstrance if vessel be permitted to escape, will not suffice with collector to detain her. Incloses copies of all papers which he had communicated to Lord Russell. Has received no answer. Tuscarora still at Southampton; will be instructed to intercept the "290," if possible, should she depart.	15
	Mr. Squarey to Mr. Gardner.	July 26	Calls attention to affidavits forwarded on 23d instant respecting gunboat "290."	31
	Mr. Gardner to Mr. Squarey.	July 28	Has submitted letter of 26th to board of customs, who, in the absence of instructions from lords commissioners of the treasury, can give no directions in regard to the gunboat.	31
	Duncans, Squarey & Blackmore to Mr. Gardner.	July 29	Telegraphed this morning that the "290" had left port. Believe she has gone to Queenstown.	31

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
	Mr. Dickens to Duncans, Squarey & Blackmore.	July 30	Acknowledges for customs board receipt of information of departure of the "290," and has communicated same to commissioners of treasury.	32
97	Mr. Dudley to Mr. Seward.	July 26	Inclosing affidavit of Henry Redden, boatswain of the "290." Has heard nothing from authorities in reference to application to stop her sailing.	32
	Earl Russell to Mr. Adams.	July 28	Acknowledges receipt of letters of 22d and 24th, in regard to the "290," and has referred them to law officers of the Crown.	33
	Memorandum from foreign office.	July 31	Pursuant to treasury order of to-day, telegrams were sent to collectors at Liverpool and Cork to seize the "290." Similar telegrams also sent to officers at Beaumaris and Holyhead, and letter to collector at Cork.	33
99	Mr. Dudley to Mr. Seward.	July 30	The "290" sailed yesterday without register or clearance, which collector says were unnecessary. Tug Hercules is taking on board men, &c., to join her off Cape Lynas. Incloses copy of letter to collector protesting against sailing of Hercules. Understands the gunboat will go to a Spanish port, and will address letter to consuls in Spain.	33
199	Mr. Adams to Mr. Seward.	July 31	Has informed Captain Craven of departure of the "290." The Tuscarora left Southampton on the 29th and will attempt her capture.	35
201	..... do	Aug. 1	Describes interview with Lord Russell, in which the use of Nassau by the rebels and the fitting out of gunboats Oreto and "290" were discussed. In reference to the latter Lord Russell stated that a sudden illness of the Queen's advocate had delayed the decision until after the vessel had left. Orders would be given to detain her at Nassau if she went there. Mr. Adams thinks, (but did not say,) that she had been advised of proceedings on foot against her, hence her sudden departure. He expressed satisfaction that a decision had been reached against the vessel. Lord Russell had no information concerning detention of Oreto at Nassau.	35
101	Mr. Dudley to Mr. Seward.	Aug. 1	Inclosing additional correspondence between Mr. Squarey and the secretary of the board of customs, in reference to the "290;" also slip from Daily Post about Oreto and the "290." Has sent copies of all papers to Mr. Adams. The "290" put in at Holyhead and left next morning. Tuscarora put in at Queenstown yesterday p. m.	36
	Do.....	Aug. 6	The "290" has gone north. Report of her being off Giant's Causeway probably untrue. Captain Bullock, who sailed in her, has returned. Statement that she is within 300 miles getting her armament is unlikely. Statements of Barnett, who shipped her crew, indicate an intention to run blockade.	37

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
203	Mr. Adams to Mr. Seward.	Aug. 7	Reports correspondence with Captain Craven up to 6th instant. Latter sailing up St. George's Channel put an end to every chance of capturing the "290." Mr. Adams has advised him to return to his station at Gibraltar.	38
105	Mr. Dudley to Mr. Seward.	Aug. 8	Many rumors are afloat about the "290," but not reliable. Incloses a shipping note in which she is called the "Enrica."	39
108	..... do	Aug. 12	Learns that the "290" is somewhere on English or Irish coast, and that fifty men are being shipped for her. Has informed Mr. Adams and Captain Craven.	40
109	..... do	Aug. 13	The men referred to in yesterday's dispatch, together with cannon and munitions of war for the "290," have been placed on board steamer Bahama, which has sailed without clearance, having entered to load for Nassau. Has informed Mr. Adams and consul at Dublin where Tuscarora was yesterday.	40
	Mr. Stuart to Earl Russell.	Aug. 16	In interview with Mr. Seward explained to him that her Majesty's government had done all in its power in cases of Oreto and the "290," and would do the same in future, whenever proofs were furnished. Letters of marque will not be isued by the United States for the present.	41
113	Mr. Dudley to Mr. Seward.	Aug. 20	The Bahama will undoubtedly meet the "290" with her men and armament. The latter will probably not attempt to run the blockade, but will commence at once as a privateer, and endeavor to capture a California steamer.	41
329	Mr. Seward to Mr. Adams.	Aug. 25	Has received No. 203, and laid it before Secretary of Navy. Expresses regret at escape of the "290."	42
122	Mr. Dudley to Mr. Seward.	Sept. 2	The Bahama has returned, having left the "290," (now called Alabama,) under Captain Semmes, late of the Sumter, at Terceira, at which place she had taken her armament from the Bahama. The latter brings back forty of the Alabama's crew, one of whom reports that she has commenced her cruise for the destruction of American vessels. About one hundred and forty hands were shipped at Terceira.	42
125	..... do	Sept. 5	The Bahama took to the Alabama four Savannah pilots. The men who returned from the latter were paid off in M. G. Klingender's office.	43
219	Mr. Adams to Mr. Seward.	Sept. 5	As expected, the Alabama did not go to Nassau. Her difficulty will be to keep supplied with coal.	43
340	Mr. Seward to Mr. Adams.	Sept. 13	Transmits copy of intercepted letter from S. R. Mallory to James H. North, showing that two steamers have been fitted out in England to make war upon the United States. It is hoped that this unquestionable evidence of violation of neutrality will influence her Majesty's government in future cases.	43

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
227	Mr. Adams to Mr. Seward.	Sept. 26	Incloses copy of his note to Lord Russell of 4th instant, transmitting a letter from Mr. Dudley, and deposition, &c., of Henry Redden, going to show the piratical character of the Alabama, and requesting an answer to his previous notes on the subject. Also, incloses Lord Russell's reply, detailing proceedings hitherto taken by the government, and promising a report from customs officers upon the further evidence presented. Mr. Adams suggests that British arguments which led to the treaty of 1794, acknowledging validity of claims against the United States for damage done by vessels fitted out in American ports against commerce of Great Britain, may be of value should injury be done to our commerce by the Oreto or the Alabama.	44
136	Mr. Dudley to Mr. Seward.	Oct. 1	Inclosing affidavit of a man named King in reference to the Alabama.	48
230	Mr. Adams to Mr. Seward.	Oct. 3	Is receiving accounts of ravages of the Alabama. There are rumors from Liverpool of the preparation of more cruisers. Thinks the presence in European waters of one or two good United States steamers, efficiently commanded, would have a good effect. Incloses copy of note to Earl Russell referring to serious impressions likely to be created in the United States by the depredations of the Alabama, &c., and transmitting affidavit of George King in reference to transfer of Alabama's armament from Bahama.	48
238	..... do	Oct. 10	Inclosing copy of Lord Russell's note of the 4th, acknowledging receipt of his letter of the 30th, and stating that much as her Majesty's government desire to prevent occurrences similar to those therein referred to, they cannot go beyond municipal and international law. Also, Mr. Adams's reply, covering copy of intercepted letter from Mallory to North, previously referred to, reminding Lord Russell that his recent representations have been based on evidence of infringements of municipal law, and referring to Mr. Collier's opinion, that in its non-enforcement the United States has serious ground for remonstrance.	51
242	..... do	Oct. 16	Incloses copies of Lord Russell's note of the 9th, and the report of the customs commissioners received therewith, setting forth that as the armament, &c., of the Alabama took place outside of British jurisdiction, no offense cognizable by British law was thereby committed, and that the officers could not have interferred with shipment of armanent or coal. Government is not disposed to investigate acts complained of, or prosecute the offenders; our main object now is to complete the record.	52
373	Mr. Seward to Mr. Adams.	Oct. 20	Acknowledges receipt of No. 230, and approves proceedings of Mr. Adams in reference to	54

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
			the "290." Proposition of United States to issue letters of marque had been relinquished, on the ground that confederates had no ports wherein to fit out cruisers; yet we now see them making use of British ports to send out piratical vessels, while entrance for supplies is denied to our war vessels under proclamation of neutrality. Will not the result be that while Great Britain avows neutrality, her subjects are practically allies of our enemies. The President believes that her Majesty's government will not allow this result to be reached. The Navy Department is taking measures to meet the new exigency.	
374	Mr. Seward to Mr. Adams.	Oct. 20	Incloses letter of September 24, from Consul Dabney, at Teneriffe, to Mr. Perry, at Madrid, giving an account of transfer of cargo and armament to the Alabama at Terceira.	55
244	Mr. Adams to Mr. Seward.	Oct. 23	Incloses letter from Earl Russell in reply to his of the 9th, stating that although the foreign enlistment act may be evaded, her Majesty's government cannot, on that account, go beyond the letter of the law. The British government seems indifferent to the consequences of its inaction, and in the meanwhile the Alabama continues her ravages. She is expected to attack the California steamers. Nothing is known of the Tuscarora.	55
378	Mr. Seward to Mr. Adams.	Oct. 25	Has received No. 238, of October 10. Mr. Adams's reply to Earl Russell's note of the 4th is approved.	56
381	..... do	Oct. 25	Incloses copies of papers received from Minister Harvey, at Lisbon, concerning depredations of the Alabama. These documents contain information of the destruction of ten American whalers near the Azores. Mr. Harvey has taken precautions to prevent further outrages by the Alabama, but recommends that a swift armed steamer be sent to the vicinity of the Azores. Mr. Adams is directed to lay these papers before Earl Russell, and to endeavor to obtain from British government, first, redress for injuries already sustained by American commerce; and second, prevention of such proceedings hereafter.	56
383	.....do.....	Oct. 27	Incloses resolutions of New York Chamber of Commerce, lamenting the destruction of American vessels by the Alabama, setting forth the results of such proceedings in a moral and commercial point of view, warning British merchants that a repetition of these outrages by British-built and manned vessels will produce wide-spread exasperation in this country, and invoking their influence to prevent the departure of such vessels in future from British	61

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.	ports. Mr. Adams may, if he thinks fit, submit these resolutions to Earl Russell.	
384	Mr. Seward to Mr. Adams.	Oct. 30	Incloses communication from Navy Department in reference to breach of international obligations committed by her Majesty's gunboat Bull-Dog, in transporting officers for confederate service, and directs that it be submitted to Earl Russell for the purpose of investigation and redress.	63
385	..... do	Nov. 3	Information of further devastation by Alabama received. The President is obliged to regard these destructions as being committed by British subjects, in violation of the law of nations, after repeated notice to the British government. The legal proofs to support claim for indemnity will be forwarded as soon as possible.	64
390	..... do	Nov. 4	Has received No. 242 of 16th ultimo. The President regrets to see no disposition on the part of Great Britain either to redress injuries already suffered from Alabama and other vessels, or to prevent carrying out of similar enterprises in future. In hope of a change of opinion, however, evidence will still be forwarded to be laid before the British government.	64
257	Mr. Adams to Mr. Seward.	Nov. 6	Has again notified officers of Tuscarora and Kearsarge to keep lookout for the Alabama, which is about to return to the Western Islands. Some uneasiness is felt in Liverpool and London on account of her exploits, in view of possible reclamations by our government. Mr. Adams has from the commencement shaped his course in correspondence with Lord Russell, so as to sustain such reclamations. Activity in forwarding supplies to British islands unabated. Guns are to be manufactured here for defense of Charleston.	65
396	Mr. Seward to Mr. Adams.	Nov. 10	Acknowledges receipt of No. 244. The President regrets that our complaints in regard to the Alabama have not been more favorably received by her Majesty's government. Future outrages will, perhaps, induce them to give the matter more deliberate consideration.	65
157	Mr. Dudley to Mr. Seward.	Nov. 11	Inclosing copy of his note to Mr. Squarey, asking whether everything was done that could possibly have been done on our part to prevent the sailing of the Alabama; also the latter's affirmative answer, adding that in his judgment and that of Mr. Collier the evidence was sufficient to have justified her detention under the foreign enlistment act. It is understood that the Lairds are still interested in the Alabama.	66
260	Mr. Adams to Mr. Seward.	Nov. 13	Acknowledges receipt of instruction No. 381 with inclosures. Will present the latter, with other papers in reference to Alabama to Lord Russell, with a view to obtaining redress and prevention. The attention of the government seems to have been drawn	67

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.	to the matter, and they are reported to have taken steps to prevent exportation of arms and supplies to the rebels. Their tardy vigilance seems, however, to be directed against those who have least offended, while the more notorious have heretofore escaped by reason of the amount of evidence required as to destinations of vessels. Mr. Adams hopes to learn the reason for this in his expected interview with Lord Russell.	
399	Mr. Seward to Mr. Adams.	Nov. 14	Has received No. 250. The President is gratified at the apparent change in British opinion. Calls attention to the anomaly of our fortifying New York against an expedition from Liverpool. Lord Lyons has arrived and been cordially received.	68
262	Mr. Adams to Mr. Seward.	Nov. 20	Has received dispatches 383 to 388 inclusive. Is preparing a note to Lord Russell, covering the whole case of the Alabama, and will postpone action on the other matters. Our policy of reclamations, as set forth in Mr. Seward's letter to New York Chamber of Commerce, is construed in England as encouraging foreign difficulties to counteract the tendency of home elections. Mr. Adams believes the question can be more conveniently discussed and settled hereafter. The publication of the notes of the three powers on the proposition of France, together with the revival of the anti-slavery feeling in England, has caused a better sentiment toward the United States. Incloses a copy of his note to Earl Russell of this date, transmitting papers from Washington and Liverpool in reference to the Alabama; recounting the circumstances of her building, departure, and subsequent piratical depredations, committed by a British crew and sometimes under British colors; showing the inevitable consequences to commerce of government toleration of such proceedings; raising the question of reclamations in the light of the treaty of 1794; and finally soliciting present reparation for, and future prevention of, such injuries.	68
264	..... do.....	Nov. 21	In his conference with Lord Russell last week Mr. Adams had apprised him of the complaints in reference to the Alabama which he was about to present. Lord Russell referred to the delay in stopping the vessel occasioned by the illness of Sir John Harding, and denied John Bright's reported statement that he had warned the vessel of proposed proceedings in time for her escape. No investigation seems to have been made of the action of the collector in permitting her to leave.	84
265	..... do	Nov. 27	Has received dispatches 389 to 398 and printed circular 27. Lord Russell has only briefly acknowledged his note of the 20th.	85

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
			Rumors are current that the Crown law officers doubt the strength of the government's position. Outfits of blockade runners still continue. Mr. Adams is awaiting details in order to present to the government a comprehensive statement of hostile operations now going on in British ports.	
421	Mr. Seward to Mr. Adams.	Dec. 8	Has received No. 262. The President approves Mr. Adams's course in presenting claims. This government has no desire to harass Great Britain at present, but asks prevention for the future. Claims are to be presented to us for injuries done to foreigners by the rebels, to which we should have no answer if we did not use all our efforts to put down the insurrection. It seems to the President incontestable that Great Britain must redress our injuries inflicted by her subjects, unless she can show that she has done all in her power to prevent them. The recognition of a contrary doctrine would be followed by universal piracy. British interest in the establishment of this principle is no less than ours. The fact that the Alabama was built in one place and armed, manned, and equipped elsewhere aggravates rather than extenuates the offense.	85
429	..... do	Dec. 20	Incloses additional papers in reference to ravages of the Alabama.	87
281	Mr. Adams to Mr. Seward.	Dec. 25	Incloses Lord Russell's note of the 19th, to the minor points of which he is preparing an answer. Lord Russell adverts to circumstances leading to the treaty of 1794, as being materially different from those in case of the Alabama. It was the deliberate violation of international law in the former case, and not accidental evasion of a municipal law, which was made the basis of British complaints. Her Majesty's government have been much concerned at, and endeavored to discourage shipments of contraband of war to belligerents, in violation of the Queen's proclamation, which withdrew her protection from subjects engaged in such enterprises. The United States, however, have been much the largest gainers by these shipments. The British government has just grounds of complaint against both parties for having induced its subjects to such practices, and cannot be held responsible for them by either. In support of this view Lord Russell quotes Wheaton and the President's message of 1855. He then refers to the case of the Alabama, and repeats that she sailed in opposition to British municipal law, and in spite of earnest endeavors to enforce it. This should not surprise the United States, because their own law, almost identical in terms, was similarly eva-	87

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No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	ded during the Crimean war, and their answer to British remonstrances was that they had used all their authority to prevent such evasion, but could do nothing without legal evidence. Her Majesty's government cannot, therefore, admit their liability for the proceedings of the Alabama, but think that amendments to the foreign enlistment act might give them greater preventive power in the future. Similar amendments should be made to the American law at the same time. Lord Russell is ready to receive suggestions with a view to such alterations.	
286	Mr. Adams to Mr. Seward.	1863. Jan. 1	Inclosing his reply of the 30th ultimo, to Lord Russell's note of the 19th, in which he states that his previous representation was based on the ground that the building and equipment of the Alabama was a violation of municipal law which her Majesty's government might and should have prevented, and inquires whether, on these premises, the injured party has not the right to complain and ask redress. The claim of France to equip privateers in American ports was based on its construction of a treaty with the United States. Before the French government could be notified that the United States held to a different construction, several captures of British vessels were made by such privateers, for which the United States, admitting its responsibility for the omission to enforce its laws, made full reparation. Mr. Adams denies that the United States have induced British subjects to violate her Majesty's orders. The United States have simply purchased arms and supplies in the ordinary course of trade. British subjects, allies of the insurgents, have broken our lawful blockade, thereby committing an aggravated offense against the United States government, and have built, equipped, and manned privateers in violation of their own laws. No similarity exists between these two modes of action to justify Lord Russell in regarding the belligerents from the same stand-point. Mr. Adams quotes the President's message of 1855, showing that there had been no violations of neutrality by United States citizens, and refers to the government's prompt action in the case of the Maury and the resolutions of the New York Chamber of Commerce in relation thereto, as contrasted with the state of affairs in England.	92
293	..... do	Jan. 8	Incloses copy of his note to Lord Russell, covering papers in reference to the Alabama received with dispatch No. 429.	100

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
450	Mr. Seward to Mr. Adams.	Jan. 14	Has received No. 281. Consideration of Earl Russell's note therein inclosed will be reserved until reception of Mr. Adams's answer.	112
	Earl Russell to Lord Lyons.	Jan. 28	Has received from Mr. Adams papers respecting proceedings of the Alabama, which do not affect the principles of international law on which the answer of the British government was based. The remedy for such outrages is a matter for the United States Navy. If, as alleged, there are British subjects among the Alabama's crew, they are acting in violation of the Queen's proclamation, but, unfortunately, in accordance with the principles maintained by Mr. Seward in the case of the Sunbeam.	112
454	Mr. Seward to Mr. Adams.	Jan. 19	Acknowledges receipt of Nos. 281 and 286, with inclosures. Mr. Adams's reply to Earl Russell is approved. The latter's arguments are not satisfactory, and it is hoped he will reconsider the subject. Although our enlistment act does not seem to be defective, Earl Russell's suggestions in amendment will be received. Incloses intercepted rebel correspondence to be presented to British government.	113
310	Mr. Adams to Mr. Seward.	Jan. 29	Transmits note from Lord Russell, and his reply, in reference to the Alabama. Lord Russell, in reply to Mr. Adams's note of the 30th ult., asserts that the circumstances under which the vessel escaped were not "under the control" of her Majesty's government, and that measures for her detention were not intentionally delayed or neglected. They could not act without legal evidence. He quotes Mr. Jefferson's letter to show that in the cases in the French war in which redress was given by the United States for captures by French privateers, our government had purposely delayed action. In the matter of furnishing supplies, Lord Russell re-asserts the right of his government to complain of both belligerents having induced British subjests to violate the Queen's proclamation, and more strongly of the United States, because it has received the greater quantity. He did not mean to accuse Mr. Adams of encouraging enlistments of British subjects in United States service, but refers to large bounties offered to those residing in the United States, and to Mr. Seward's avowal of this policy in case of the Sunbeam. Mr. Adams, in reply, re-asserts the position taken in his former note, of the responsibility of the British government for the escape of the Alabama, after timely notice had been given. Declines discussion of questions raised by Lord Russell, imputing other meanings to the language of his former note than those	114

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		1863.		
			clearly expressed therein, and again disclaims any "systematic policy" of enlisting British subjects on the part of the United States.	
466	Mr. Seward to Mr. Adams.	Feb. 2	Incloses memorial in reference to destruction of ships Brilliant and Manchester by the Alabama, for presentation to British government.	118
321	Mr. Adams to Mr. Seward.	Feb. 13	In obedience to instruction 454, has called Lord Russell's attention to his reply to Mr. Adams's note of 20th November, in regard to reparation for present damages by Alabama, and future prevention, and stated that he was not yet authorized to say anything on his answer to first point.	119
	Earl Russell to Lord Lyons.	Feb. 14	It appears from conversation with Mr. Adams, that the United States desire the controversy in case of the Alabama to be carried on in London rather than in Washington.	119
331	Mr. Adams to Mr. Seward.	Feb. 19	Incloses copy of note to Lord Russell, transmitting memorial received with 466.	119
483	Mr. Seward to Mr. Adams.	Feb. 19	Has received No. 310, with inclosures. Mr. Adams's reply to Lord Russell is approved. The United States cannot relinquish its claim for redress of injuries committed by Alabama. This government is anxious to avoid all unfriendliness with foreign nations, especially with Great Britain. The President, therefore, hopes that Earl Russell will propose some amendments to the foreign enlistment acts of both countries. The Senate has prepared a bill giving the President discretionary power to grant letters of marque. Should it become law, as is expected, foreign nations will be notified, if it should become necessary to enforce it.	120
349	Mr. Adams to Mr. Seward.	Mar. 13	Incloses notes of Lord Russell in reply to his of 9th, 16th, and 19th of February, disclaiming all responsibility of British government for acts of Alabama.	121
	Earl Russell to Lord Lyons.	Mar. 27	Refers to his interview with Mr. Adams yesterday, in which the latter read a dispatch from Mr. Seward in relation to the Alabama and Oreto. In reply to Lord Russell's statements, that the Alabama was fitted out in Portuguese waters, and that the British government only required sufficient evidence to act in similar cases, Mr. Adams dwelt upon the enormity of this kind of warfare, and feared that the issue of letters of marque by the United States might prove the only remedy. Lord Russell suggested the offer of large rewards for the capture of the vessels. Mr. Adams thought that England should declare her condemnation of these infractions of her law; also, that if the law was sufficient, the government should enforce it; if not, they should amend it. Lord Russell replied that the cabinet thought the law sufficient, and	122

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.	that the government had done their best to execute it. Admitting the cases of the Alabama and Oreto to be a scandal and a reproach to the laws, he thought that the assistance given by British subjects to the federals greatly outweighed that given to the confederates. Mr. Adams totally denied this, and said that there was a manifest conspiracy in England in the rebel interest to provoke America to declare war. He had worked to the utmost for peace, but the task had become most difficult. Mr. Adams fully deserves the character of having always labored earnestly for peace. Lord Russell trusts his efforts and those of the two governments will be successful.	
356	Mr. Adams to Mr. Seward.	Mar. 27	Reports result of conference with Lord Russell yesterday. After deploring the probable success of operations of rebel agents in England, as shown by inclosed letter, and stating the object of the interview to be to obtain their prevention by her Majesty's government, Mr. Adams read Mr. Seward's dispatch No. 505, and expressed his regret of the possible necessity, therein referred to, of issuing letters of marque. Lord Russell repeated the desire of the government to remain neutral, and their disapproval of proceedings in Liverpool, but said that legal evidence of these proceedings was necessary. He referred to his speech of Monday last, which had been approved by Lord Palmerston. Mr. Adams suggested an official condemnation of the violations of law referred to would have great weight in America. Lord Russell's tone throughout was friendly. He regretted the departure of the two privateers, but wondered that they had not yet been captured. Mr. Adams left a copy of resolutions of Congress on intervention; also, alluded to a letter received from Liverpool suggesting that the United States prosecute the offenders in the case of the gunboats. Should this appear advisable, Lord Russell promised to inform him. In view of the better disposition now evinced by the government and people of Great Britain, Mr. Adams recommends postponement of all minatory measures on our part.	124
359	..... do	Mar. 28	Transmits Morning Star's report of last evening's debate in Commons, the result of which will tend to undo the effect of Lord Russell's speech.	127
54	Mr. Dudley to Mr. Seward.	Mar. 28	Incloses copies of letters and papers obtained from C. R. Yonge, clerk to Captain Bullock; has sent originals to Mr. Adams.	128
	Do.....	April 1	In reference to present connection of M. G. Klingender with the Alabama.	128
58	..... do	April 3	Has taken affidavit of Clarence R. Yonge, former paymaster in confederate navy.	129

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
			Evidence furnished by him is sufficient to convict the Lairds and others under foreign enlistment act.	
362	Mr. Adams to Mr. Seward.	April 3	Transmits correspondence with Lord Russell in regard to hostile vessels preparing at Liverpool. Has urged action of some sort to prevent their success. Incloses papers received from Mr. Dudley and laid before Lord Russell, showing Captain Bullock's position in the confederate navy, his appointment of Yonge as paymaster, accompanied by instructions, and Captain Semmes's subsequent revocation of said appointment.	129
363	.....do.....	April 3	Transmits published official documents showing steps taken by customs authorities, in reference to the Alabama before and after her departure.	134
364	.....do.....	April 3	Incloses affidavit of rebel paymaster Yonge in reference to Captain Bullock and the "290."	143
542	Mr. Seward to Mr. Adams.	April 8	Incloses for presentation to Lord Russell memorial of Panama Railroad Company, and others, in regard to destruction of bark Golden Rule by Alabama. In this, as in similar cases, the United States holds Great Britain responsible.	143
368	Mr. Adams to Mr. Seward.	April 9	Transmits copy of his note to Lord Russell, covering Yonge's deposition showing operations of Captain Bullock and certain persons in Liverpool, as naval and financial agents of the rebels, and exhibiting English character of the Alabama's crew; also transmits Lord Russell's acknowledgment of its receipt.	144
554	Mr. Seward to Mr. Adams.	April 20	Has received No. 364, and laid inclosures before Secretary of the Navy. Mr. Adams's proceedings in Yonge's case are approved.	152
397	Mr. Adams to Mr. Seward.	April 30	Transmits copy of his note to Lord Russell, covering memorial of Panama Railroad Company and others, received with No. 542.	153
407	.....do.....	May 7	Incloses Lord Russell's acknowledgment of his letter of the 29th ultimo with memorial, &c.	155
630	Mr. Seward to Mr. Adams.	June 18	Incloses copies of letter of Edwin H. Robinson and others, and of protest of Edward A. Swift and others, in relation to destruction of ship Golden Eagle by the Alabama, to be presented to British government as part of claims.	155
454	Mr. Adams to Mr. Seward.	July 16	Inclosing copy of his note to Lord Russell, transmitting papers received with No. 630, and Lord Russell's acknowledgment thereof.	156
673	Mr. Seward to Mr. Adams.	Aug. 7	Inclosing memorial of George B. Upton, in reference to ship Nora destroyed by the Alabama, to be presented to British government as part of claims.	159
484	Mr. Adams to Mr. Seward.	Aug. 28	Transmits copy of his note to Lord Russell, inclosing Upton memorial received with No. 673.	160

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Mr. Layard to Mr. Laird.	Aug. 31	Inquiring how far the statement that the Alabama was "fitted out and dispatched from the port of Liverpool," contained in a note from Mr. Adams to Earl Russell, is correct.	162
710	Mr. Seward to Mr. Adams.	Sept. 17	Adding to the number of similar cases that of the bark Union Jack, destroyed by the Alabama, to be presented for redress.	163
500	Mr. Adams to Mr. Seward.	Sept. 18	Inclosing Lord Russell's note in reply to his of 24th ultimo, covering communication from Mr. John Laird, stating that at the time of her leaving Liverpool the Alabama was not fitted out as a vessel of war. Lord Russell disclaims all responsibility of British government for her subsequent proceedings, and hopes no more claims for damages will be presented. Also Mr. Adams's reply stating that until further instructions he will abstain from presenting claims, but regretting that Mr. Laird's evidence should be adduced in support of any proposition made to United States government.	163
727	Mr. Seward to Mr. Adams.	Sept. 30	Inclosing claim of Joshua Atkins & Co., and Geo. Hager, for destruction of ship Brilliant by the Alabama.	165
505	Mr. Adams to Mr. Seward.	Oct. 1	Incloses copy of his note to Lord Russell, covering inclosed letter and papers received from Consul Graham at Cape Town, being the consul's correspondence with the colonial government in reference to the Alabama, which had entered Saldanha Bay, landed prisoners, and captured American bark Sea Bride within sight of land—and the Tuscaloosa, a former prize of the Alabama, which had entered Simon's Bay claiming to be a confederate vessel of war.	165
728	Mr. Seward to Mr. Adams.	Oct. 5	Inclosing communication from J. D. Jones, president, relative to claim of Atlantic Mutual Insurance Company for destruction of bark Brilliant by the Alabama.	176
730	..... do	Oct. 6	Refers to Lord Russell's note to Mr. Adams of the 14th ultimo, and again presents the views upon which the United States must insist on the responsibility of Great Britain for the outrages of the Alabama. They think it best to postpone the consideration of the question, but must continue to present the cases as they arise.	176
512	Mr. Adams to Mr. Seward.	Oct. 8	Incloses Lord Russell's acknowledgment of his note, covering papers in reference to the Alabama at Cape Town. The matter is under consideration by her Majesty's government.	178
522	..... do	Oct. 23	Has prepared a note to Lord Russell, based on instruction No. 730, to accompany papers withheld relative to captures by the Alabama.	178
739	Mr. Seward to Mr. Adams.	Oct. 23	Has received No. 505. Mr. Adams's representation to British government of proceedings of Alabama at the Cape of Good Hope is approved. If no more distinction	179

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.	is to be made between war vessels, privateers, and pirates than has been made by colonial authorities, it is difficult to see the benefits of the Paris declaration. Great Britain's interest in the reprobation of such practices is not less than that of the United States.	
527	Mr. Adams to Mr. Seward.	Oct. 30	Transmits his note to Lord Russell of the 23d, based on instruction No. 730, reviewing the circumstances of the outfit of the Alabama, claiming her building and equipment in a legal point of view to have been wholly within British jurisdiction; and that sufficient notice had been given thereof to the authorities, showing the British character of her crew, recounting her proceedings since leaving port, reasserting the position of the United States of the responsibility of British government therefor, and its willingness to postpone the consideration of the question and submit it to any equitable form of arbitrament; and transmitting further inclosed papers in relation to destruction of the Union Jack and the Brilliant by the Alabama. Also transmits Earl Russell's reply of the 26th, agreeing to postponement of the consideration of the question; defining the point contended for by Great Britain to be only that of her irresponsibility for acts of parties fitting out seeming merchant vessels in her ports, and sending them out of British jurisdiction to be armed, commissioned, and manned as ships of war; showing the effects of a contrary doctrine upon British ship-building; expressing surprise at the non-capture of the Alabama by United States vessels, and asserting the earnest desire of her Majesty's government to preserve peace and amity. Mr. Adams proposes to send Lord Russell another note inclosing papers in relation to depredations by the Florida, and taking notice of his allusion to "seeming merchant ships" in inclosed note of 26th.	179
530	..... do	Nov. 5	Transmits Lord Russell's reply to his representation of Alabama's proceedings at Cape Town, (sent with No. 505,) stating that the capture of the Sea Bride took place more than three miles from shore, that the Alabama was entitled to be treated as a belligerent ship of war, and that the question of treatment due to the Tuscaloosa under her Majesty's orders was one of uncertainty. Instructions on the latter point will be sent to colonial authorities for their future guidance. Their reports, &c., will be sent to British minister at Washington to be presented to government of United States. Lord Russell makes no mention of alleged sales of captured cargo of Sea Bride in Cape	202

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No.	From whom and to whom.	Date.	Subject.	Page.
		1863.	Town, which would involve a question of restoration. Mr. Adams also incloses his acknowledgment of above note, and a letter from Consul Graham giving further particulars of Alabama's proceedings, and showing that the colonial authorities do not regard the purchase of prize cargoes as forbidden by the Queen's proclamation. He has received a Cape Town newspaper containing the private journal of an officer of the Alabama, which he proposes to have printed and laid before the British government.	
533	Mr. Adams to Mr. Seward.	Nov. 12	Has received instructions 738 to 746, inclusive. Although Lord Russell's note expressed an intention of making explanations of Alabama's proceedings at Cape Town through Lord Lyons, Mr. Adams proposes to send him a copy of the journal of the officer of that vessel, before referred to.	205
540	..... do	Nov. 19	Transmits his note to Lord Russell of the 14th, inclosing journal of officer of Alabama, and calling his attention to the fact that said officer is a British subject. Also, transmits Lord Russell's acknowledgment, dated the 16th.	205
766	Mr. Seward to Mr. Adams.	Nov. 23	Has received No. 530. Approves Mr. Adams's course in presenting claims. Will discuss transactions at Cape of Good Hope with Lord Lyons.	206
	Mr. Elliott to Mr. Hammond.	Dec. 9	Transmitting, for Earl Russell's information, copy of the Duke of Newcastle's dispatch to Governor Wodehouse, giving views of the government in regard to proceedings of confederate vessels at Cape of Good Hope. The capture of the Sea Bride, over three miles from shore, was lawful, but not so her subsequent coming within two miles. The Alabama herself was entitled to the treatment of a belligerent ship of war. Captain Semmes should have been notified of charges made by United States consul against the Tuscaloosa, and requested to show her papers. If she had been found to be an uncondemned prize, the colonial authorities should have retained her until reclaimed by her original owners.	207
792	Mr. F. W. Seward to Mr. Adams.	Dec. 28	Transmits papers in reference to claim of the owners of bark Sea Bride, captured by the Alabama.	209
		1864.		
576	Mr. Adams to Mr. Seward.	Jan. 15	Incloses copy of his note to Lord Russell, transmitting Mr. Dudley's letter in relation to the English character of the crew of the Alabama, with a list of their names, and depositions, &c., showing that their families in England draw half their pay through Liverpool houses.	209
581	..... do	Jan. 22	Incloses copy of his note to Lord Russell, transmitting papers in reference to capture of bark Sea Bride by the Alabama, in	219

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No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	which Mr. Adams presumes that if the fact set forth in inclosed papers, of her being captured in British waters, can be established, the British government will make immediate reparation; if not, the papers constitute a claim under the general argument of his note of October 23.	
586	Mr. Adams to Mr. Seward.	Jan. 28	Incloses copies of Lord Russell's notes of 14th, acknowledging his of 13th, with inclosures, and of 23d, acknowledging his of 20th, with inclosures.	241
835	Mr. Seward to Mr. Adams.	Feb. 6	Transmits letter from Consul Mellen, at Port Louis, showing efforts he has made to prevent sale of cargo of the Sea Bride.	242
597	Mr. Adams to Mr. Seward.	Feb. 12	Incloses Lord Russell's note in response to his of 20th ultimo, stating that the British government is satisfied that the capture of bark Sea Bride did not take place in British waters, and that they adhere to their non-admission of claims made under the general argument of Mr. Adams's note of October 23d.	244
599	..... do	Feb. 18	Incloses reports of discussions of American affairs in the House of Lords. Also, a letter from Consul Graham, showing that the Tuscaloosa, and captured cargo of the Sea Bride, have been seized at Cape Town by order of the British government, to be held for restoration to their owners.	245
606	..... do	Feb. 26	Has had a conference with Lord Russell, in which he hoped the British government would take measures to regulate future proceedings of the Alabama in British dependencies. Lord Russell said the law officers had changed their opinion, and the Tuscaloosa would not now be detained. Lord Lyons would explain this. Mr. Adams then referred to his reasons for believing that the propriety of ever having admitted the Alabama to British ports is now very much questioned, and said that her exclusion had not been urged by the United States, because her reception in Kingston, after fighting the Hatteras, was regarded as a positive recognition. Lord Russell said that that was the intention, and that the views of the government were not changed. Mr. Adams thought it better to leave the British government to act spontaneously, in case a more rigid rule should be adopted toward the Alabama, to which Lord Russell assented.	247
	Lord Lyons to Mr. Seward.	Mar. 9	Remonstrating against action of the United States ship Vanderbilt in taking coal from British merchants at Angra Pequena, and claiming compensation therefor.	248
	Mr. Seward to Lord Lyons.	Mar. 16	Has received note of the 9th. From inquiry at the Navy Department, the coal therein referred to appears to have been insurgent property, intended for the Alabama. If, however, the claimants can prove it to be	248

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		1864.		
			their property, a fair price will be paid for it.	
626	Mr. Adams to Mr. Seward.	Mar. 18	Transmitting official printed "Correspondence respecting the Tuscaloosa."	249
251	Mr. Dudley to Mr. Seward.	April 1	Showing payment by M. G. Klingender & Co. of the wages of the Alabama's crew to their families in Liverpool.	249
898	Mr. Seward to Mr. Adams.	April 5	Transmitting letter of Consul Mellen, at Mauritius, and inclosed correspondence with colonial authorities relative to expected sale of the Sea Bride's uncondemned cargo. If the views of the governor, that captured cargoes brought in by parties other than the captors, or in an unarmed ship, not being the one in which they were originally captured, are not, even though uncondemned, subject to the Queen's proclamation, are sustained by his instructions, Mr. Adams is directed to ask for their modification.	249
653	Mr. Adams to Mr. Seward.	April 8	Has received from Consul Mellen copies of his correspondence with colonial authorities. Inferring that it has been sent to the department, Mr. Adams will make no use of it until further instructions.	254
664	..... do	April 21	Has received No. 898, but thinking the British government preferred to conduct the correspondence in the case of the Sea Bride through Lord Lyons, has deferred all action upon it until further advices.	254
916	Mr. Seward to Mr. Adams.	April 22	Has received No. 653; desires no representations made at present in the case of the Sea Bride.	255
675	Mr. Adams to Mr. Seward.	April 29	Transmits reports of debates in Parliament on the subject of the Tuscaloosa.	255
930	Mr. Seward to Mr. Adams.	April 30	Incloses further papers from Mr. Mellen, relative to captured cargo of Sea Bride, but desires their presentation to British government to be delayed.	255
	Lord Lyons to Mr. Seward.	May 24	Incloses bill of lading going to show that coal taken from Angra Pequena was the property of British merchants, and trusts that their claim will be promptly satisfied.	256
720	Mr. Adams to Mr. Seward.	June 16	Announces the arrival of the Alabama at Cherbourg for repairs, and incloses a copy of a letter from her commander printed in the Times.	257
302	Mr. Dudley to Mr. Seward.	June 21	Announces the destruction of the Alabama off Cherbourg by the Kearsarge, and incloses newspaper accounts of the action. The feeling in Liverpool is one of regret. The British part of the Alabama's crew were taken care of at the Sailors' Home, Southampton. The English steamer Deerhound rescued her officers.	257
724	Mr. Adams to Mr. Seward.	June 21	Transmitting newspaper accounts of the engagement between the Alabama and Kearsarge, and referring to conduct of the yacht Deerhound.	258
726	..... do	June 23	Incloses published report of Captain Semmes to Mr. Mason. The conduct of the Deer-	258

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No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	hound may give rise to grave questions. Mr. Adams awaits instructions.	
305	Mr. Dudley to Mr. Seward.	June 24	Showing disappointment of rebel sympathizers in England at destruction of the Alabama.	259
	Lord Lyons to Mr. Seward.	June 24	Incloses further documents in case of coal taken by the Vanderbilt at Angra Pequena. The British government think the owners entitled to compensation, even if the coal were intended for the Alabama.	259
	Mr. Seward to Lord Lyons.	June 27	Has received note of 24th. Regrets the opinion of the British government therein expressed, and requires information as to destination of the coal before admitting the claim of its owners.	260
731	Mr. Adams to Mr. Seward.	June 28	Incloses copy of his note to Lord Russell, in reference to the action of the Deerhound in the engagement between the Alabama and Kearsarge transmitting copy of Captain Winslow's report to the Secretary of the Navy charging complicity of the Deerhound with the Alabama, together with a list of men picked up by the Deerhound. Also incloses his lordship's reply, designating the act of the Deerhound as one of common humanity, and denying the obligation of its commander to have surrendered the men picked up as prisoners of war, but promising to transmit to him Mr. Adams's letter and inclosures.	261
734	..... do	June 30	Transmits published defense of owner of the Deerhound, disclaiming all complicity or communication of his vessel with the Alabama before the fight, and asserting that he only performed an act of common humanity in picking up her men and taking them to Southampton. A sword to Captain Semmes is proposed. Numbers of men are being enlisted for the Rappahannock and other confederate vessels.	263
1017	Mr. Seward to Mr. Adams.	July 2	Has received No. 720; refers to the mistaken policy of Great Britain toward the United States, and its beneficial effects upon our manufactures and revenue.	268
1025	..... do	July 8	Has received No. 724. The government is highly satisfied with the destruction of the Alabama, but disapproves Captain Winslow's having paroled the captured pirates, and desires explanation of the proceedings of the Deerhound. Mr. Adams is directed to gather information and, first, to represent to British government that our previous statements as to the Alabama's British character are sustained by the facts; second, that Semmes and others, unlawfully rescued by the Deerhound, should be surrendered as prisoners of war; third, to remonstrate against the conduct of British subjects in paying wages to the Alabama's crew, and to ask for their conviction; and fourth, to ask the British government to adopt measures to prevent the fitting out	269

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		1864.		
			of any more naval expeditions against the United States.	
745	Mr. Adams to Mr. Seward.	July 14	Incloses Earl Russell's note of the 8th, covering copy of a letter from Mr. Clarke in answer to note addressed to Mr. Lancaster, referring his lordship to Mr. Lancaster's published letter of the 29th ultimo, in reference to his part in the rescue of the Alabama's crew.	271
1035	Mr. Seward to Mr. Adams.	July 15	Has received No. 731, and approves Mr. Adams's representation in the case of the Deerhound. The act of that vessel, in carrying off the prisoners of the Alabama, was one of direct hostility. Mr. Seward regrets to see that Earl Russell does not notice the British origin and character of the Alabama. The harboring of her crew in England is an aggravation of the original offense in allowing her construction and escape.	272
1039	..... do	July 16	Has received No. 734. Mr. Lancaster's published letter, therein inclosed, is not satisfactory.	274
755	Mr. Adams to Mr. Seward.	July 29	Has received No. 1025. As instructions therein are based upon erroneous impressions of fact, has thought it best to defer representations to British government. Incloses Earl Russell's note covering Mr. Lancaster's statement in letter to him of his action in the engagement with the Alabama. The statement does not deny that the officer who had been to the Kearsarge to surrender the Alabama, and who obtained leave to rescue the drowning, picked out the officers and took them to the Deerhound.	274
1069	Mr. Seward to Mr. Adams.	Aug. 15	Detailing proceedings of yacht Deerhound, as set forth in Mr. Adams's dispatch No. 755, and inclosures, and directing him to express the President's surprise that the British government do not severely censure said proceedings.	277
	Lord Lyons to Mr. Seward.	Aug. 23	Inclosing papers to show that the coal taken by the Vanderbilt at Angra Pequena was the property of British subjects, and reasserting the opinion of his government that the fact of its being destined for the Alabama, even if proved, could not have justified its seizure.	278
	Mr. Seward to Lord Lyons.	Aug. 24	Has received note of the 23d. Inferring from lack of proof to the contrary that the coal in question was intended for the Alabama, this government is of opinion that the claims of its owners for compensation are no more just than would be those of the owners and crew of the Alabama for losses suffered by her destruction.	280
340	Mr. Dudley to Mr. Seward.	Aug. 27	Giving description of the Deerhound, and her cruise, and inclosing depositions going to show that Mr. Lancaster had no communication with the Alabama previous to the battle.	281

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1864.		
769	Mr. Adams to Mr. Seward.	Sept. 1	Has received No. 1069, and will draw up a note to Lord Russell, based upon its instructions, relative to proceedings of the yacht Deerhound.	290
773	..... do	Sept. 2	Inclosing note from Consul Graham, at Cape Town, in reference to the non-restoration of the Tuscaloosa.	291
344	Mr. Dudley to Mr. Seward.	Sept. 2	Has been to France, and seen Consul Liais and Mr. Dayton, jr, in reference to fight with the Alabama, off Cherbourg, and incloses their statements, going to show collusion between the Alabama and the Deerhound previous to the engagement.	292
779	Mr. Adams to Mr. Seward.	Sept. 8	Incloses copy of his note to Earl Russell in relation to the action of the Deerhound, in which he represents that the United States government has never considered the Alabama a lawful belligerent vessel; that it disapproves of Captain Winslow's paroling her crew, and that it regards the act of the owner of the Deerhound in conniving at the escape of part of the surrendered crew as directly hostile to the United States; expresses the President's surprise that the British government has not made it a subject of severe censure, and his opinion that the prisoners rescued by the Deerhound should be given up to the American authorities; remonstrates against their receiving wages or supplies from British subjects, and asks the adoption of measures to prevent any further hostile expeditions against the United States.	294
1093	Mr. Seward to Mr. Adams.	Sept. 19	Has received No. 773. The United States cannot acquiesce in the decision of the British government in the case of the Tuscaloosa.	297
1103	Mr. F. W. Seward to Mr. Adams.	Sept. 24	Has received No. 779, with inclosed note to Earl Russell, which is approved.	298
789	Mr. Adams to Mr. Seward.	Sept. 29	Incloses Lord Russell's notes in reply to his of the 6th, stating the conclusions arrived at by the British government to be: that the act of the Deerhound in rescuing the Alabama's crew was one of praiseworthy humanity, and that her commander was under no obligation to surrender the persons rescued to the Kearsarge; that the British government could not lawfully surrender them after their taking refuge in British territory; that they do not believe that wages are regularly paid to the Alabama's crew by British subjects; that all lawful measures have been and will be taken to prevent hostile expeditions against the United States; and that the British government have been more successful in preventing such breaches of neutrality than were the United States during the South American revolutions. Also, Mr. Adams's reply, regretting the divergency of opinion between the two governments, and defer-	298

THE ALABAMA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	ring further representation until the receipt of instructions.	
1117	Mr. Seward to Mr. Adams.	Oct. 10	Inclosing Mr. Dudley's dispatch No. 351, covering deposition showing collusion between the Alabama and the British yachts Deerhound and Hornet.	301
1126	.....do	Oct. 17	Has received No. 789. After careful perusal of Earl Russell's note therein inclosed, this government must adhere to its previous position in regard to the intervention of the Deerhound in the fight between the Kearsarge and Alabama. The President regrets the failure thus far to prevent misunderstanding on a point so serious.	303
805	Mr. Adams to Mr. Seward.	Nov. 3	Has spoken informally to Lord Russell, repeating Mr. Seward's remark in No. 1093, conveying opinion of the United States in regard to the Tuscaloosa. Lord Russell replied that the case was full of difficulties.	303
814	..... do	Nov. 18	Transmits copy of his note to Lord Russell, asserting that the rescued officers of the Alabama are continuing belligerent operations under British protection, carrying out Lord Russell's comparison of the course of the British government with that of our own toward Spain during the South American revolutions, by showing that the United States had made satisfactory compensation therefor to the Spanish government, and adhering to the previously expressed opinions of our government upon the affair of the Deerhound.	304
825	..... do	Dec. 1	Incloses Lord Russell's note of the 29th ultimo, claiming that the British government was under no obligation of either municipal or international law to surrender the rescued officers of the Alabama, and arguing that the provisions of the treaty of 1819, between the United States and Spain, for the mutual abandonment of claims, was not in the nature of compensation from the former for injuries complained of by the latter; also incloses his reply declining to further discuss the case of the Deerhound, and showing that in the treaty referred to the claims renounced by Spain were similar to those of the United States against the British government.	306
	Mr. Burnley to Mr. Seward.	Dec. 8	Claiming that there is no proof that the coal taken by the Vanderbilt at Angra Pequena was rebel property; that if it was British property the United States had no right to it, and that the Alabama was a lawful belligerent vessel.	308
1200	Mr. Seward to Mr. Adams.	Dec. 25	Has received No. 825. Mr. Adams's answer to Earl Russell in the case of the Deerhound is approved. If the British government plead want of authority to perform international obligations, they should admit the obligation; if they deny the obligation, they should not plead want of au-	309

THE TALLAHASSEE.

No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	thority. Even if Lord Russell's arguments on the subject of claims, drawn from the case of Spain and the United States in 1819, were well founded he could not expect us to be guided by our own erroneous precedents, since Great Britain had abandoned in the Trent case her old-established principles.	
		1865.		
879	Mr. Adams to Mr. Seward.	Feb. 16	Incloses copy of his note to Lord Russell, covering an advertisement in reference to paying off the crew of the Alabama.	309
964	Mr. Adams to Mr. Hunter.	May 25	Incloses copy of his reply to Lord Russell's note of the 4th inst., reviewing all the circumstances of the building and escape of the Alabama, and laying particular stress on the negligence of the British government in permitting her to leave port, and their subsequent treatment of her as a bona fide belligerent vessel.	311

THE TALLAHASSEE.

		1864.		
1070	Mr. Seward to Mr. Adams.	Aug. 15	Appearance off New York of the piratical vessel Tallahassee, said to be English built, and supposed to have been armed at Bermuda. Will await definite information on these points before making representations to her Majesty's government.	314
1074	..... do	Aug. 20	The Tallahassee is said to have left a British port as a merchant vessel, but to have received her armament in Liverpool; she appears on our coast as a pirate and is received in Halifax. The captain is reported as saying that she is only one of several vessels of the same character built at Liverpool. Will refrain from comment until Earl Russell shall have replied to Mr. Adams's note concerning the Georgia.	314
		1865.		
	Mr. Adams to Earl Russell.	April 12	Transmitting letter from Mr. Dudley, announcing the arrival at Liverpool of the Tallahassee, (now called the Chameleon,) and stating that the officers are all on board, her guns stowed below, and that she displays the confederate flag.	314
966	Mr. Adams to Mr. Hunter.	May 25	Incloses Earl Russell's note of the 27th April, stating that the Tallahassee has not assumed the character of a confederate cruiser since the 27th December last, at which date she left Wilmington for Bermuda with a cargo of cotton, and that she is now represented as a merchant vessel carrying the confederate flag. Under these circumstances her Majesty's government have not felt warranted in refusing her permission to discharge her cargo at Liverpool.	315

THE SHENANDOAH.

No.	From whom and to whom.	Date.	Subject.	Page.
		1864.		
	Mr. Dudley to Mr. Adams.	Oct. 7	The steamer Laurel, recently purchased for the confederates, is now at Liverpool, entered to load for Matamoras. She has taken on board a number of cases containing guns and gun carriages. She has twenty-one seamen, more than is required for a passenger boat. Her movements are suspicious. She will sail to-morrow.	316
362	Mr. Dudley to Mr. Seward.	Oct. 8	Giving a description of the Laurel	316
	Mr. Wilding to Mr. Seward.	Oct. 12	Sailing of the Laurel from Liverpool	317
363	Mr. Dudley to Mr. Seward.	Oct. 12	Departure of the Laurel with Captain Semmes, eight other confederate officers, and about one hundred men on board. She had six guns in her hold. It is reported that the men and guns are to be transferred to another vessel.	318
	Mr. Moran to Mr. F. W. Seward.	Oct. 14	Refers to departure of Captain Semmes in the Laurel on another piratical expedition. Activity among rebel shipping agents continues.	319
369	Mr. Dudley to Mr. Seward.	Oct. 18	The steamer Sea King, which sailed from London for Bombay on the 8th instant, is probably the vessel intended to meet the Laurel and receive her men and armament. As a privateer she will be most dangerous.	319
377	..... do	Nov. 4	Showing the altogether English character of the Sea King and Laurel.	320
385	..... do	Nov. 12	The steamer Colibar, from Teneriffe, brings back part of the crew of the Sea King, who report that that vessel, now called the Shenandoah, received her armament and crew from the Laurel, at Madeira, and started on a piratical cruise under the confederate flag, Captain Semmes in command.	320
	Mr. Moran to Mr. Seward.	Nov. 12	Has received a letter from Consul Dabney, at Teneriffe, in reference to the proceedings of Captain Corbett and crew after leaving the Shenandoah.	321
815	Mr. Adams to Mr. Seward.	Nov. 18	Incloses copy of his note to Lord Russell, covering a letter from Mr. Dudley, and depositions of two of the Shenandoah's crew in reference to the proceedings of that vessel.	322
1171	Mr. Seward to Mr. Adams.	Dec. 3	Has received information from Mr. Dabney as to the meeting of the Laurel and Shenandoah at Madeira. Calls Mr. Adams's attention to the exclusively English character of both vessels and their crews and armament, and directs him to protest against such proceedings, and to inform the British government that the United States hold them responsible for damages to American commerce committed by the Shenandoah.	330
1178	..... do	Dec. 5	Has received No. 815. Mr. Adams's representation of the case of the Shenandoah is approved.	330
	Earl Russell to Lord Lyons.	Dec. 8	Incloses letter from Mr. Gratton, English consul at Teneriffe, detailing circum-	331

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1864.	stances of the transfer of the Shenandoah to the confederates. Her Majesty's government have ordered an investigation, and will prosecute Captain Corbett, of the Sea King, for violation of the foreign enlistment act.	
841	Mr. Adams to Mr. Seward.	Dec. 22	Incloses letter from Consul Adamson, at Pernambuco, transmitting a published account of the capture and bonding of the American brig Kate Prince by the pirate Shenandoah, which had previously destroyed the Charter Oak and the Susan, and captured the barks Helena and Godfrey.	332
409	Mr. Wilding to Mr. Seward.	Dec. 30	Has reliable information that the men from the Florida have been ordered to join a privateer, probably the Shenandoah.	334
411	.....do.....	Dec. 31	Captain Corbett, of the Sea King, has not yet been arrested.	334
		1865.		
850	Mr. Adams to Mr. Seward.	Jan. 5	Captain Corbett has been arrested and held for trial for violation of the foreign enlistment act. Incloses Lord Russell's acknowledgment of his note of November 18th.	334
1250	Mr. Seward to Mr. Adams.	Jan. 27	Incloses letter from Consul Monroe, at Rio de Janeiro, containing statement relative to depredations by the Shenandoah. The United States will claim redress from the British government.	335
1271	..... do	Feb. 16	Giving account of the sailing from Nassau of the Laurel, now called Confederate States, with confederate mails, &c., and directing Mr. Adams to protest against their receipt and clearance at Liverpool, and to demand the detention of the vessel.	336
879	Mr. Adams to Mr. Seward.	Feb. 16	Incloses Lord Russell's note of the 1st instant, showing that the sale of the Sea King, in England, was made to a British subject.	336
880	.....do	Feb. 17	Desires, in view of all circumstances, to postpone presenting claims for damages done by the Shenandoah until further instructions.	337
1280	Mr. Seward to Mr. Adams.	Feb. 28	Incloses extract from Mr. Dudley's dispatch, announcing the arrival of the Laurel (now the Confederate States) at Liverpool, and giving information concerning the English steamer City of Richmond.	337
1297	.....do	Mar. 13	In view of activity of rebel agents in Europe, thinks that representation in the case of the Shenandoah ought to be no longer postponed.	339
896	Mr. Adams to Mr. Seward.	Mar. 16	Incloses his note to Lord Russell, protesting against the receipt and clearance of mails by the Confederate States at Nassau, and Lord Russell's reply, stating that the colonial authorities at Nassau had intended to detain the steamer, but had unavoidably failed, and that her case should be inquired into.	339

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.		
900	Mr. Adams to Mr. Seward.	Mar. 17	Incloses letter from United States consul at Melbourne, reporting arrival of the Shenandoah at that port. She is expected to turn up in the Pacific.	341
1322	Mr. Seward to Mr. Adams.	Mar. 25	Has been informed by Mr. Dudley that the Shenandoah, having departed from Cape Town, destroyed eleven merchant vessels of the United States, and was then received at Melbourne. Desires that the attention of Earl Russell be called to this new aggression, which involves nothing less than the issuing of the pirate from one port of the British realm and her reception in another. Recent communications between this government and that of Great Britain have exhausted the argument of the United States upon the general subject of piratical enterprises carried on from British ports.	342
1338	.....do.....	April 5	Transmitting correspondence with the British legation in reference to the expected re-enforcement of the Shenandoah at Bermuda.	342
924	Mr. Adams to Mr. Seward.	April 12	Incloses Lord Russell's note of the 7th, stating that the steamer Confederate States had committed no offense against British law.	344
927	..... do	April 13	Transmits his note to Lord Russell inclosing letter from United States consul at Rio Janeiro in reference to depredations of the Shenandoah. Mr. Adams repeats the claim of British responsibility for such proceedings; shows the effect of the hostile policy of English rebel sympathisers in transferring the United States mercantile marine to British owners; acquits the government of any design in furthering this policy, but considers the evils flowing from it as due to the precipitate recognition of rebel belligerency; expresses the hope of the President that that recognition will now be revoked, in view of the capture of all rebel ports, and asks for the removal of all restrictions upon United States war vessels in British ports.	344
952	Mr. Adams to Mr. Hunter.	May 11	Incloses Lord Russell's note of the 4th, to which he is drawing up a reply. Lord Russell defends the recognition of rebel belligerency on the ground of the President's proclamation of blockade; claims that in the case of the Alabama, as in all others, her Majesty's government faithfully performed their obligations as neutrals in carrying out municipal laws, and are not, therefore responsible for the depredations of such vessels, and quotes American authority in support of this position. Her Majesty's government agree that United States war vessels in British ports shall be treated as British war vessels in United States ports, excepting that they must not	350

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	pursue confederate vessels within twenty-four hours after leaving port. Before revoking their recognition of rebel bellgerency, her Majesty's government wish to know if the United States relinquish their belligerent rights of search.	
1484	Mr. Seward to Mr. Adams.	July 25	Transmitting telegram from San Francisco in reference to the destruction of ten whalers by the Shenandoah in the Sea of Ochotsk. We still hold Great Britain responsible for these outrages.	357
1023	Mr. Adams to Mr. Seward.	July 27	Transmits copies of depositions in relation to the outfit of the Shenandoah, from men who went out in her as the Sea King. The originals are retained for use at the trial of Captain Corbett.	358
1031	.....do	Aug. 10	Has received No. 1484. Thinks it best to postpone representations in regard to depredations of the Shenandoah in the Sea of Ochotsk until arrival of documentary evidence.	368
1525	Mr. Seward to Mr. Adams.	Aug. 25	Has received and approved No. 1031. Nothing further from Shenandoah's depredations has been received.	368
	Mr. Moran to Mr. Seward.	Aug. 25	Transmits published letter from J. M. Mason, claiming to have sent orders to the Shenandoah, immediately after the close of the war, to cease hostilities.	368
1539	Mr. Seward to Mr. Adams.	Sept. 7	The recent depredations of the Shenandoah have created great dissatisfaction. As she is essentially a British vessel, Mr. Adams is directed to inform the British government that we hold them responsible. Incloses a dispatch from our consul at Melbourne in reference to her.	369
1541	..... do	Sept. 11	Transmits letter relative to claims on the British government for destruction of bark William C. Nye by the Shenandoah.	370
1046	Mr. Adams to Mr. Seward.	Sept. 14	Transmits London Times of the 11th inst., containing a leading editorial expressing indignation at the continued depredations of the Shenandoah, and calling upon the government to treat her as a pirate.	370
1059	..... do	Sept. 29	Inclosing London Times of 26th, commending the home and foreign policy pursued by the United States government since the close of the war, denouncing the course of the Shenandoah after having received positive unofficial information of the rebel surrender, and raising the question of her treatment should she appear in a British port.	373
1074	..... do	Oct. 27	Transmits his note to Lord Russell recounting the circumstances of the Shenandoah's outfit, referring to his note of September 6, 1864, complaining of the asylum granted to prisoners of the Alabama, rescued by the Deerhound, as tending to encourage further expeditions; holding the British government responsible for the Shenandoah's outrages, because of her reception by au-	375

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	thorities at Melbourne after her illegal character had been established; recalling the total neglect of his former representations in regard to the operations of the rebel naval bureau at Liverpool; alluding to the reported recognition of Captain Bullock as the chief officer of that bureau by the government's becoming the medium for the transmission of his orders to the Shenandoah; expressing gratification at the tardy measures adopted by the government for her detention and capture, and inclosing papers received, with instructions 1539, 1541, and 1551, in reference to her depredations and reception at British colonial ports. Also transmits Lord Russell's acknowledgment.	
554	Mr. Wilding to Mr. Seward.	Nov. 7	Announcing the arrival of the Shenandoah at Liverpool. The collector has asked for instructions concerning her. Customs officers and men from her Majesty's ship Donegal have been sent on board, and no communication is had with the shore except by customs boats.	444
1082	Mr. Adams to Mr. Seward.	Nov. 9	Incloses his note to the Earl of Clarendon, covering announcement of Shenandoah's arrival, asking her seizure and delivery to the United States authorities, and leaving the course to be adopted in reference to her crew to the discretion of her Majesty's government. Also incloses Lord Clarendon's reply, stating that the vessel had been seized; and extracts from London Times denouncing her recent outrages and calling for the apprehension and trial of her crew upon a charge of piracy; and from London News setting forth the pernicious consequences of allowing vessels to be equipped as were the Alabama and Shenandoah, and asking the government to avert these consequences by vindicating the foreign enlistment act in the trial and punishment of the crew of the latter. Since Lord Clarendon's note Mr. Wilding has received from captain of the Donegal, and been instructed to accept, the offer of a surrender of the Shenandoah.	445
558	Mr. Dudley to Mr. Seward.	Nov. 11	Has accepted Capt. Paynter's inclosed offer to surrender the Shenandoah. Has taken possession, and advises that she be sent to New York. Capt. Waddell and crew are still in Liverpool.	454
1583	Mr. Seward to Mr. Adams.	Nov. 13	Has received No. 1074 with inclosures, and approves Mr. Adams's representations to British government in regard to the Shenandoah.	455
1585	..... do	Nov. 14	Transmits dispatch from the United States commercial agent at Antigua, with inclosures, showing the measures taken by the rebel agents in England and the British government to arrest the Shenandoah.	456
1091	Mr. Adams to Mr. Seward.	Nov. 15	Transmits Lord Clarendon's note of the 11th stating that the Shenandoah had been	460

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	delivered to United States authorities at Liverpool; that as no charge or evidence of violation of English law or of piracy existed against her crew they could not be detained, and that none of them had been found to be British subjects; also, inclosing letter from Captain Waddell to Earl Russell, giving an account of his recent proceedings and offering to surrender the ship to the British government. Mr. Adams also transmits his reply, expressing satisfaction at the surrender of the vessel, but disappointment at the course of her Majesty's government in relation to her crew. He has authorized Mr. Dudley to send the ship to New York.	
1095	Mr. Adams to Mr. Seward.	Nov. 23	Transmits Lord Clarendon's note of the 17th, asserting that papers received from Mr. Adams do not show any depredations by the Shenandoah after and with notice of the termination of the war, that said papers would not have justified an English magistrate in holding her crew in custody, and that proceedings against them for piracy could have been commenced by the United States authorities; also, Lord Clarendon's note of the 18th, denying that the action of the Deerhound in rescuing the men from the Alabama, or that of the government in affording them protection, is a valid cause of complaint; disclaiming responsibility of her Majesty's government for acts of the Shenandoah, either on account of violation of law in her equipment or of insufficiency of the law itself; referring to the proclamation of belligerency as authority for her subsequent reception in colonial ports even had her original outfit been illegal, and quoting American precedents to support this view; giving the lack of information or evidence as a reason why proceedings had never been instituted against rebel agents in England; and stating that Captain Bullock's order arresting the Shenandoah was transmitted by the British government at the request of Mr. Mason, accredited envoy of the Confederate States. Mr. Adams also transmits copy of his reply, postponing an answer to the oft-repeated arguments of Lord Clarendon until further instructions from his government.	463
1605	Mr. Seward to Mr. Adams.	Nov. 25	Has received No. 1082, announcing Shenandoah's arrival in Liverpool. Mr. Adams's request for her surrender is approved.	468
1612	.....do.....	Nov. 30	Has received No. 1091, with inclosures. The United States accept the Shenandoah without her having been legally condemned, solely to prevent her again leaving British waters on a hostile cruise. They deem it a good ground of complaint that judicial proceedings were not instituted against her	469

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	officers and crew inasmuch as the witnesses were within reach, and they have evidence that all the offenders were British subjects, native-born or domiciled.	
1625	Mr. Seward to Mr. Adams.	Dec. 14	Has received No. 1095, with inclosed notes from Lord Clarendon. The President is content that the case of the Shenandoah should rest upon the foundation on which it has been put in the correspondence which has been recorded.	471
1112	Mr. Adams to Mr. Seward.	Dec. 21	Has received No. 1612, and read it to Lord Clarendon, leaving a copy with him. The latter's answer is reserved for the present.	471
	The Earl of Clarendon to Sir F. Bruce.	Dec. 26	Incloses dispatch read to him by Mr. Adams, to whom he stated that his desire for preserving friendly relations with the United States alone prevented him from answering it as he thought it deserved.	472
1639	Mr. Seward to Mr. Adams.	Dec. 30	Inclosing affidavit of William Skiddy, denying Sir James Elphinstone's published statement that the United States ship Hornet had captured English vessels in the war of 1812 after notice of peace had been received from a neutral.	472
		1866.		
1129	Mr. Adams to Mr. Seward.	Jan. 5	Incloses note to Lord Clarendon covering affidavit of William A. Temple and other papers furnished by Mr. Dudley, showing that the Shenandoah had all the arms she ever used on board when she left London; that many of her depredations were committed while she was still officially registered as the British ship Sea King; that full notice of the termination of the war had been given her commander the day before he committed outrages in the Sea of Okhotsk, and that a large number of her crew were British subjects. Also, incloses Lord Clarendon's acknowledgment.	474
1138	.....do.....	Jan. 26	Incloses Lord Clarendon's note, questioning the truth of Temple's statement that Captain Waddell had information of the cessation of the war before destroying American whalers in the Sea of Okhotsk, or the sufficiency of such statement as evidence to procure a conviction on a charge of piracy; promising to institute proceedings under foreign enlistment act against British subjects provided Temple's testimony can be reliably supported; claiming that Temple's assertion that the Sea King had guns on board before leaving London even if true is immaterial, as neither Mr. Adams nor her Majesty's government had, at the time, any information of the fact; and stating that copies of Mr. Adams's note and inclosures have been sent to the colonial office for investigation of the alleged conduct of authorities at Melbourne, as well as to the Home Office. Also, incloses copy of his reply, asserting the object of his present representations to be to place the	491

THE SHENANDOAH—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1866.	facts on record for future use, not with a view to any immediate action.	
1145	Mr. Adams to Mr. Seward.	Feb. 1	Incloses Lord Clarendon's note of the 29th ultimo, expressing the willingness of her Majesty's government to aid in establishing the truth in the case of the Shenandoah, and all other cases, in order to render clear the obligations of neutral nations.	493
1684	Mr. Seward to Mr. Adams.	Feb. 12	Incloses copy of Lord Clarendon's dispatch to Sir Frederick Bruce, (furnished by the latter,) in which he expresses regret at the tone of Mr. Seward's dispatch to Mr. Adams, (No. 1612;) asserts that proceedings may be instituted by or against any one in English courts for piracy, but that only native-born British subjects are liable to prosecution under foreign enlistment act, and that evidence of British nativity was wanting in the case of the Shenandoah's crew; denies the British character given the vessel by Mr. Seward and the general charge of piracy based thereon; refers to the silence of the owners of the William C. Nye, in their claims for destruction of that vessel, as refuting the statement that notice had been given the Shenandoah of the termination of the war, and states that no evidence in support of the charge of piracy was known by her Majesty's government to be available at the time of Mr. Seward's dispatch. Also, incloses his note to Sir Frederick Bruce, declining further correspondence on the subject.	494
1216	Mr. Adams to Mr. Seward.	June 7	Transmits Lord Clarendon's note with inclosures going to refute statements of Temple as to destruction of vessels by the Shenandoah after notice of cessation of the war, and as to the British character of her crew, and to establish his unreliability as a witness; stating that time and facilities had been given to ascertain and give evidence, if any of the crew were British subjects, while the vessel was in custody of her Majesty's officers at Liverpool; and showing the extent of the intercourse held with officers of the Shenandoah by colonial authorities at Melbourne. Also, transmits copy of his reply reasserting the correctness of his former propositions, but refraining from further comment or discussion.	499

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
	Mr. Seward to Lord Lyons.	May 29	Has received Lord Lyons's note of the 24th, stating that the British government does not consent to our disallowance of the claim of the owners of the ship Monmouth, which was ordered off the southern coast by the Niagara, when (as is alleged) no efficient blockade was yet established. As this government still adheres to its position of non-liability for the damages resulting therefrom, Mr. Seward suggests that this, and other claims of British subjects against the United States, as well as those of our citizens against Great Britain, should be submitted to judicial investigation and adjustment, like that authorized by convention of February, 1853.	511
	Mr. Stuart to Mr. Seward.	July 8	Her Majesty's government regrets that the United States refuses to consider themselves liable for damages in the case of the Monmouth. They regard with favor Mr. Seward's suggestion of a convention upon that and other claims, but think that the time for commencing their investigation, and the precise nature of the claims to be adjudicated, should first be maturely considered.	511
212	Mr. Adams to Mr. Seward.	Aug. 29	Transmits Lord Russell's note accepting Mr. Seward's suggestion of a claims convention, and submitting a copy of the convention of 1853, modified so as to place the selection of the arbitrator in the hands of the governments, instead of in those of the commissioners. Mr. Adams, in his inclosed reply, said that he had received no instructions upon the subject, but would transmit copies of the note and its inclosure for the consideration of his government.	512
344	Mr. Seward to Mr. Adams.	Sept. 15	Has received No. 212. The general features of the draught of a convention submitted by Earl Russell are satisfactory, but some few amendments are deemed necessary. The President's instructions will be taken thereon, and Mr. Adams will probably be empowered to negotiate.	513
236	Mr. Adams to Mr. Seward.	Oct. 10	Transmits his note to Earl Russell, informing him that his draught of a claims convention is in the main satisfactory to the United States government, but that some amendments will be proposed, after which Mr. Adams will probably receive power to negotiate. Also, transmits Earl Russell's acknowledgment.	514
375	Mr. Seward to Mr. Adams.	Oct. 21	Incloses power from the President to conclude a claims convention. Suggests, for the sake of convenience as well as of reciprocity, that the commission should sit in Washington instead of London; this point, however, is not so important as to be strenuously insisted upon. Also, proposes a clause providing that claims pending before the courts of either country shall not be considered by the commission.	515

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		1862.		
377	Mr. Seward to Mr. Adams.	Oct. 25	Has received No. 236. If recognition of the rebel government should be actually pronounced by Great Britain, Mr. Adams is instructed to break off all negotiations for treaties of any kind; and should the question now arise as to the action of our government in such a contingency, Mr. Adams is directed to advise Earl Russell of the nature of his instructions.	515
256	Mr. Adams to Mr. Seward.	Nov. 6	Incloses copy of his note to Lord Russell, informing him of his receipt of power to conclude a claims convention, and requesting a conference upon the subject.	516
264	..... do	Nov. 21	In conference with Lord Russell in regard to the proposed claims convention, the latter made little remark upon the proposition that the commission should sit in Washington instead of at London, but did not entirely assent to the clause taking claims already pending before courts of justice out of the jurisdiction of the commission, and desired time for consideration.	517
		1863.		
730	Mr. Seward to Mr. Adams.	Oct. 6	Expresses a willingness to consider at all times the evidence and arguments advanced by her Majesty's government against the validity of our claims, and to submit them to any just form of arbitrament. Instructs Mr. Adams to continue to notify the British government of such claims as they arise, and to furnish the evidence on which they rest.	517
564	Mr. Adams to Mr. Seward.	Dec. 31	Referring to a gradual change of feeling as to the result of the American struggle, induced by the probability of war on the continent, Mr. Adams quotes from the London Times to show that peace in Europe and a division of America is considered to be for the interest of Great Britain, and that the prospect of claims being made on the British government by our own in case of the defeat of the rebels, is now used as an argument to strengthen the feeling in favor of disunion.	518
		1864.		
816	Mr. Seward to Mr. Adams.	Jan. 15	Refers to our correspondence with her Majesty's government to show that, however confident our government and people are as to the justice of their claims upon Great Britain, they do not desire to inaugurate a policy of unreasonable and litigious exactions.	519
		1865.		
892	Mr. Adams to Mr. Seward.	Mar. 14	Incloses published report of a recent debate in the House of Commons, which shows that British statesmen are beginning to better estimate the importance of the issues involved in our civil war, and to recognize the validity of our policy.	520
893	..... do	Mar. 16	The late debate in the Commons, alluded to in No. 892, has had a most beneficial effect. As in all our previous relations with Great Britain, however, notably in those which led to the war of 1812, she has failed to	520

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	recognize the justice of our position until too late for anything but reparation. The position of Canada, which, by affording protection to the rebels, had incurred the animosity of our people, is now regarded with uneasiness, in view of the probable termination of the war, and the release of our army. The English cannot understand that our war was not waged, as Lord Russell in the beginning asserted it to be, "for empire," and their apprehensions should be taken into account in shaping the tone of any allusions which may be made to our future policy.	
927	Mr. Adams to Mr. Seward.	April 13	Incloses his note to Lord Russell, transmitted with papers in reference to outrages of the Shenandoah, and having annexed a tabular statement showing, as a result of the hostile policy of Great Britain, that her merchants are fast acquiring the entire maritime commerce of the United States, rendered unsafe by the depredations of rebel cruisers fitted out in her ports. Mr. Adams does not complain of any lack of friendly disposition on the part of her Majesty's government, but asserts this state of affairs to be the natural consequence of their premature recognition of rebel belligerency. As the grounds on which that recognition was originally founded, however, have now ceased to exist, the President trusts that all causes of complaint consequent thereon will be at once removed. Mr. Adams also asks when the hospitalities of British ports will be restored to our ships of war.	522
952	.....do.....	May 11	Incloses note from Lord Russell reviewing Mr. Adams's note of April 7, and claiming that the present obligations of Great Britain toward the United States are not to be measured by the losses sustained by the latter in consequence of the former's policy, but depend upon whether Great Britain did or did not perform her whole duty toward the United States, under the rules of international and her municipal law. Earl Russell defends the recognition of rebel belligerency on the ground that the President's proclamation of blockade, involving the exercise of a belligerent right toward the rebels, necessarily put them in the position of belligerents, and that her Majesty's government must have recognized them as such or must have denied the legality of the blockade and the right of search. They could not have treated the rebel vessels as pirates without renouncing their neutral position and taking part in the war. In regard to the expedition of rebel cruisers, Earl Russell says that the Alabama sailed on a pretense of a trial trip, on the morning before the decision to arrest her had been reached, and that even	525

No.	From whom and to whom.	Date.	Subject.	Page.
		1865.	had she not thus fraudulently escaped, the evidence against her might not have been sufficient to procure conviction under the foreign enlistment act; he claims that in this, as in all other cases, the government faithfully performed their obligations as neutrals, and quotes Mr. Seward's dispatch of August 13, 1862, to show that the United States were satisfied with their proceedings. He then refers to our correspondence with Spain in 1817, and with Portugal in 1818, 1819, and 1820, as showing that our government declined to be responsible for depredations committed on the commerce of those countries by South American cruisers fitted out in our ports, on the ground that we had faithfully executed our laws for the preservation of neutrality, and that, although foreigners had their redress in the courts for wrongs committed in our territory, the government could not be held liable for acts of its citizens outside of its jurisdiction. This position, according to Earl Russell, was not abandoned on account of representations of the Portuguese minister to the effect that the evil might have been prevented by due dilligence on the part of the government. Lord Russell refers to the case of Spain as somewhat different, inasmuch as her claims against the United States were offset by counter claims, and both were abandoned by treaty. He also alludes to the sympathy of Americans with the Spanish-American revolutionists as similar to that felt for the rebels in England, but says that while in the former case American citizens frequently commanded insurgent vessels, no British subject had ever acted as captain of a confederate cruiser; and refers to the prompt action of his government in the case of the Laird rams. He contrasts this case with that of the Shenandoah, where no evidence of her character was given before her sailing, and adduces American authorities to show that Great Britain could not be held responsible for the shipment of arms to her after her departure, nor for her subsequent proceedings. In his opinion, the transfer of American commerce to the English flag is merely temporary. Mr. Adams having acquitted her Majesty's government of all hostile intention, the question is, are they to be responsible for conduct which they did all in their power to prevent and punish? and this Lord Russell answers in the negative, since thereby they would become answerable for every ship of British origin used by the confederates, and for every portion of her armament. The British government consent to grant reciprocity of treatment to	

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		1865.	United States vessels in British ports, the twenty-four hour rule alone being retained. Before withdrawing their recognition of rebel belligerency, however, they wish to know whether the United States are prepared to abandon the right of search and capture of British vessels.	
964	Mr. Adams to Mr. Hunter.	May 25	Transmits copy of his reply to Lord Russell's note of the 4th, (and of Lord Russell's acknowledgment,) with which he hopes to close the discussion for the present. In this reply he claims—First. That the British recognition of rebel belligerency was precipitate, because the rebels had not then a single ship of war afloat; it was also unprecedented, the uniform practice having previously been for a nation to await the arrival of an insurgent vessel in her ports before awarding it a belligerent character. This was the course pursued by France and Holland in our Revolution, and even this late recognition was denounced by Great Britain as a wrong, and afterward made a ground of war against each of those countries. The recognition of rebel belligerency was, moreover, aggravated by diplomatic overtures made to the rebels by the British government for the purpose of procuring their adherence to the Paris declaration. Secondly. These proceedings virtually created the belligerency which they recognized, by encouraging the rebels to establish a naval bureau and build ships in British ports. In the case of the Alabama, the evidence was furnished in ample time to have prevented her sailing. The customs officers subsequently admitted that they themselves should have procured that evidence, although, when laid before them, they took no steps to substantiate it. Even, however, had the evidence, and the opinion of Mr. Collier, which led to the issue of orders for the vessel's detention, not been furnished in time for action by the government, her Majesty's officers had pledged themselves to keep a strict watch over her, and this pledge they violated by permitting her to sail on the 29th of July, 1862. The issue of orders to detain her after her departure, bore the appearance of an intentional insult to the United States, and the date of Mr. Seward's dispatch, referred to by Lord Russell, shows that he could not have alluded to these orders when expressing his satisfaction with the proceedings of her Majesty's government. The Alabama, after her fraudulent escape, instead of being seized, as was directed, if she went to Nassau, was uniformly received with hospitality, and as a lawful belligerent vessel in all British ports; whereas the law of nations (see authority quoted) would have authorized	532

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		1865.	the British government to arrest her, or to demand her seizure by any foreign power. Mr. Adams further claims that even had the United States, by their treatment of Spain and Portugal during the South American revolutions, furnished a precedent for the denial of our Alabama claims, such an unjust example ought not to be followed. Would Great Britain have consented, if we, for instance, following British precedents, had attempted the establishment of a paper blockade, or the impressment of British seamen to fight against their countrymen on board of rebel cruisers? The fact is, however, that our claims against Spain were a sufficient offset and compensation for the Spanish claims against the United States, and were so regarded by the treaty in which they were mutually abandoned. The United States, moreover, notwithstanding their sympathy for the South American revolutionists, did not grant them hasty recognition as belligerents, but, (in strong contrast with the conduct of Great Britain,) they went the full length of the law in the prosecution of persons violating their neutrality, (see inclosed reports of prosecuting attorneys,) and upon complaint of the Portuguese minister that the law was insufficient, they promptly amended it. If the British government had similarly amended their foreign enlistment act, when requested, most of the present difficulties might have been obviated. Thus Lord Russell's comparison serves to show that the United States, by their prompt action, had avoided all responsibility, such as Great Britain, by refusing to act, had expressly incurred. It is not claimed that this responsibility is to be measured by the indirect losses to American commerce, caused by the war, but by those losses springing from the breach of clear international obligations. The proceedings in regard to the Laird rams, referred to by Lord Russell, ended in their being indirectly disposed of, and should not be cited as an instance of the vindication of law. If the transfer of the American mercantile marine to the British flag was, as Lord Russell supposes, merely nominal, it was a fraud on one of the belligerents, which, if the latter had been anything but the creature of British policy, would have been punished by the most severe scrutiny of British vessels. The inevitable conclusion arrived at is, that the nation which recognized a power as belligerent before it had built a vessel, and became itself the sole source of all its belligerent character upon the ocean, must be held responsible for all damage resulting therefrom to the com-	

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		1865.	merce of a power with which it was bound to preserve amity and peace.	
1042	Mr. Adams to Mr. Seward.	Sept. 7	Incloses Lord Russell's reply to his note of May 20, defending the recognition of rebel belligerency on the ground of the suddenness and unprecedented magnitude of the rebellion, and the President's previous declaration of his intention to establish a blockade. Lord Russell claims that the rebels were belligerents *de facto*, and quotes a Supreme Court decision to show that the proclamation of blockade recognized that a state of war existed. He cannot admit that the United States could exercise this belligerent right, and yet deny neutral rights to Great Britain. In regard to the Oreto and the Alabama, up to the day of their sailing, no opinion had been given by the Crown lawyers to justify their detention, and these officers cannot be accused either of ignorance of the law, or unwillingness to apply it. In the revolutionary war the policy of France in furnishing the Americans supplies and acknowledging their independence was avowedly one of hostility to Great Britain, and therefore could not serve as a precedent for England in her conduct during the late war. Lord Russell refers to our recognitions of the South Americans in their revolutions against Spain and Portugal, and enlarges upon and indorses our reply to the remonstrances of the latter power, that having executed our laws faithfully we could not be responsible for acts of American citizens committed outside our jurisdiction. He asserts that the execution of the laws at that time was principally confined to the restoration of prizes brought into our ports. The number of cruisers then fitted out in American ports was much greater than the number of rebel cruisers sailing from Great Britain. In the former case, the officers were frequently American, while in the latter they were never British. The only similarity between the two cases is that in both the same reply was given to the claims of belligerents. Lord Russell says that the American law of 1818, passed at the request of the Portugese minister, is essentially the same as the British foreign enlistment act, and that Great Britain is not bound to make new laws as new occasions arise. That law proved sufficient to detain the Laird rams and the Pampero, although it is claimed that the law was exceeded in those cases. It would have been impossible to keep the Alabama and similar vessels out of British colonial ports, as it was too far to send witnesses to prove their illegal equipment. In answer to the proposal for a commission, her Majesty's government cannot agree to submit to arbitra-	548

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		1865.	tion the questions whether they acted in good faith in maintaining their neutrality, or whether their law officers correctly construed the laws. The Alabama claims would therefore be excluded from its consideration; but they are willing to agree to a commission for the decision of all claims which the two countries shall think proper to submit. The British government rejoice at the successful close of the war and the abolition of slavery, and earnestly desire the continuance of friendly relations with the United States.	
1043	Mr. Adams to Mr. Seward.	Sept. 8	In Lord Russell's note inclosed with No. 1042 the proposition for a commission is nearly the same as that of Portugal in 1820, the negative answer to which forms a part of the same note. The British government thus seem to be making us a proposal which they know must be rejected, or the acceptance of which will convict the United States of inconsistency on radical questions. Mr. Adams proposes to notice this singular circumstance in his answer.	563
1046	.....do	Sept. 14	The note to Lord Russell will be of such length that its transmission must be postponed till next steamer.	563
1052	.....do	Sept. 21	Incloses copy of his note to Lord Russell, in which he refers to the latter's admission that the recognition of rebel belligerency was unprecedented, and that it was made when only the intention of establishing a blockade had been declared by the President, which was sufficient to justify its being called precipitate. In point of magnitude the revolutionary war was a parallel to the late insurrection, yet there was no hasty recognition of the Americans by foreign powers. The disposition of France was then perhaps unfriendly to Great Britain, but she abstained from recognition at the solicitation of the British government. Mr. Adams cites the Neapolitan revolution and the southern rebellion to show that careful observation of the probabilities of the issue of an insurrection, rather than its magnitude or its suddenness, is the real criterion for the action of foreign nations. Every nation then, in the case of insurrection against a government with which it is at peace, should first abstain carefully from doing anything which may affect the result, and then act in a spirit of strict neutrality as emergencies for action may arise. If, after a reasonable period, the probable length and importance of the struggle justify it, belligerency should be recognized. This was the course of the United States during the South American revolutions. Mr. Adams believes that the security of belligerents' commerce hereafter depends upon a correct decision of this question; for if it be recognized by Great Britain as international law that a neutral may de-	564

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		1865.	cline responsibility for outrages committed by its subjects because of the insufficiency of its law, which it has always the power to amend, other powers will follow her example, and the country with the most extended commerce will, in the event of war, be the greatest sufferer. Her Majesty's government are responsible for the consequences of violations of their neutrality, because of the inefficiency of their law, and their repeated refusal to amend it. The British foreign enlistment act is deficient in the very provisions of that of the United States which were enacted at the request of Portugal, and if these provisions had been adopted and enforced by Great Britain the United States would have had little or no ground of complaint. Mr. Adams depicts the probable consequences to belligerent commerce in case the position of the British government be hereafter adopted by neutrals. He then refers to Lord Russell's proposition for a convention as being in nearly the same words as that of Portugal, which the United States had rejected, but says that he will transmit it for the consideration of his government. Mr. Adams also expresses his gratification at the friendly spirit evinced in the note of Earl Russell, as tending to lead to a better understanding between the two countries, which may dissipate the strong feeling of injury now entertained by the government and people of the United States.	
1551	Mr. Seward to Mr. Adams.	Sept. 27	The proposition for arbitration of claims, made in Mr. Adams's note to Earl Russell of October 23, 1863, is not now renewed by this government. Mr. Adams is directed to inquire what claims Lord Russell proposes now to refer to a commission.	574
1064	Mr. Adams to Mr. Seward.	Oct. 12	Transmits copy of the London Morning Post containing a leader on the Alabama claims. The writer asserts that, under the ruling in the case of the Alexandra, the Alabama could not have been detained; that the government had done all in their power to preserve neutrality; and that they could not now admit the liability for its violations which they had heretofore steadily refused.	576
1066	.....do.....	Oct. 14	Transmits copy of the London Times stating officially that the Alabama and similar claims would be excluded from the consideration of a commission. The arguments most noticed in the newspapers are those in reference to the future consequences to British commerce of a refusal to settle the claims.	579
1067	.....do.....	Oct. 19	Has received No. 1551. Refers to the newspaper articles on the subject of the Alabama claims. Also incloses copy of note from Lord Russell stating that in the proposal for a convention the Alabama and similar claims were not included. Mr. Ad-	580

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		1865.	ams replies that his proposition for a convention of October 23, 1863, was not renewed by the United States, and desires to know what class of claims Lord Russell proposes now to consider.	
1072	Mr. Adams to Mr. Seward.	Oct. 20	Transmits note from Lord Russell stating that he will notify Mr. Adams as soon as possible as to the character of claims proposed to be submitted to a commission.	582
1580	Mr. Seward to Mr. Adams	Nov. 4	Has received dispatches up to No. 1072, and approves Mr. Adams's proceedings. Lord Russell's proposal for a convention excluding the Alabama claims is respectfully declined.	583
1081	Mr. Adams to Mr. Seward.	Nov. 9	Transmits copy of Lord Russell's note reasserting the similarity between the present position of his government and that of the United States in reference to the claims of Portugal, and claiming that the English foreign enlistment act, even if amended so as to resemble the American, would not have sufficed to detain the Alabama and similar vessels. Lord Russell incloses—	583
			Memorandum from the foreign office in relation to the conduct of Great Britain during the revolutionary war; also, incloses—	588
			Memorandum showing the disposition made of all complaints preferred by Mr. Adams in the late war; and then suggests an improvement of both the English and American foreign enlistment acts.	603
1090	..... do	Nov. 15	Incloses London Gazette containing printed correspondence between himself and Lord Russell. Refers to the latter's disposition to take shelter under American authority.	613
1092	..... do	Nov. 22	Has received No. 1580. Transmits copy of his note to Lord Clarendon declining Earl Russell's proposition for a convention.	613
1093	..... do	Nov. 22	Transmits copy of his note to Lord Clarendon in reply to Lord Russell's of the 2d. Mr. Adams claims that our position during the South American revolutions was radically different from that now taken by Great Britain, in that—first, we did not recognize the insurgents as belligerents until they had armed vessels upon the ocean; second, we went the full length of the law in prosecuting violators of our neutrality; and third, we amended that law when requested to do so by the Portuguese government. This latter proceeding gave great satisfaction to Portugal. In reply to our complaints of rebel operations in Canada, her Majesty's government acknowledged the necessity of "making a new law to meet a new occasion." Mr. Adams will transmit to his government Lord Russell's suggestion of amending the British and American foreign enlistment acts. They should at least be made coextensive.	614
1105	..... do	Dec. 6	Transmits copy of Lord Clarendon's note stating that no armed vessel left a British port to cruise against American commerce, and claiming that Great Britain steadily and honestly discharged its duty as a	624

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		1865.	neutral throughout the civil war. Seeing no advantage to result therefrom, her Majesty's government do not desire to continue the correspondence.	
1626	Mr. Seward to Mr. Adams.	Dec. 14	Has received No. 1073, and approves Mr. Adams's proceedings. Lord Russell's proposition to amend the foreign enlistment laws is declined.	625
1629	..... do	Dec. 18	Has received No. 1092, and approves Mr. Adams's proceedings.	625
1115	Mr. Adams to Mr. Seward.	Dec. 21	The authorities of Cape Town, having proposed to deliver the Tuscaloosa to the United States consul, Mr. Adams has instructed the latter to receive the ship for her owners, reserving all claims on the British government for damages for her capture by the Alabama and her detention.	626
	The Earl of Clarendon to Sir F. Bruce.	Dec. 26	Has had an interview with Mr. Adams, in which the latter read Mr. Seward's dispatch in reference to the surrender of the Shenandoah. Lord Clarendon expressed his desire that the past should be forgotten, and that the attention of the two governments should be turned toward future prevention of violations of neutrality. Sir F. Bruce is instructed to bring to the notice of Mr. Seward the subject of amending the laws of both countries.	626
1119	Mr. Adams to Mr. Seward.	Dec. 28	Transmits copy of the London Gazette, of 22d instant, containing remainder of correspondence between himself and the foreign secretary; also, copy of the Times with a leader containing a renewal of the suggestion of a claims commission. The present position of the government is not satisfactory, and the subject may be brought before Parliament.	627
		1866.		
	Mr. Seward to Mr. Adams.	Feb. 14	Has received confidential letter of Dec. 21. The government and people of the United States cannot waive any part of their claims on Great Britain, and until these are redressed, must decline any proposition for future regulation of their national intercourse.	628
1151	Mr. Adams to Mr. Seward.	Feb. 15	Refers to Lord Clarendon's dispatch to Sir Frederick Bruce proposing to amend the neutrality laws, as showing a desire on the part of the British government to prevent the adoption of its own past policy by the United States in case England should become involved in a foreign war. Lord Russell's abrupt refusal to consider proposals for a settlement of the Alabama claims is felt to have been a mistake, and hence this proposition may be designed to shift the fault upon the United States. It may be attempted to settle the question through a general conference of the maritime powers.	628
1700	Mr. Seward to Mr. Adams.	March 5	Has received 1151. Sir Frederick Bruce has not yet communicated Lord Clarendon's	630

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		1866.	proposal. The United States cannot consider it. This dispatch will be shown to Sir Frederick.	
1798	Mr. Seward to Mr. Adams.	July 7	Refers to the reorganization of the British ministry. Mr. Adams is directed to ascertain the probability of their reopening the claims question.	630
1801	.....do	July 14	Has received No. 1223, announcing the resignation of Earl Russell's government, and is pleased to believe that the change will not affect diplomatic relations with the United States. It is important that the new ministry's attention should be called to our affairs in Ireland. An early reply to No. 1798 is also desired.	631
1244	Mr. Adams to Mr. Seward.	July 26	Has received dispatches up to No. 1800. Lord Stanley's reply to a question in the Commons would seem to indicate an intention to reopen the subject of claims.	631
1819	Mr. Seward to Mr. Adams.	July 30	Has received No. 1235, and is pleased to learn Lord Stanley's friendly disposition toward the United States. Sir Frederick Bruce is impressed with the necessity of a better understanding between the two countries.	632
1835	.....do	Aug. 27	Incloses summary of the Alabama and similar claims and recapitulates the circumstances on which they are based. Contrasts the action of the British government with the prompt and unsolicited suppression of Fenian movements in America. Mr. Adams is directed to bring the subject of this dispatch to the attention of her Majesty's government. The amicable adjustment of existing difficulties will promote peace throughout the world.	632
1270	Mr. Adams to Mr. Seward.	Sept. 21	Has received No. 1835, and presented the subject to Lord Stanley. The latter desired to have the matter postponed until cabinet meetings were resumed.	636
7	Mr. Moran to Mr. Seward.	Oct. 6	Calls Mr. Seward's attention to inclosed article from the London Times in reference to the Alabama claims, suggesting the appointment of an international commission to deliberate upon the rights and duties of neutrals in time of war, by whose report the claims question might be decided. Although the subject of Mr. Seward's No. 1835 has not yet been made public, the writer of this article seems to have had some knowledge of it, and may have been inspired by the government.	637
1855	Mr. Seward to Mr. Adams.	Oct. 8	Has received No. 1270, and approves Mr. Adams's proceedings. The delay is to be regretted.	640
1275	Mr. Adams to Mr. Seward.	Nov. 23	Refers to probable change of policy of the British government in regard to the Alabama claims, and incloses article from the London Times in reference thereto. A royal commission to amend the neutrality laws is suggested. The Times regards Lord Russell's assumption that the neutral obligations of Great Britain were to be measured by her own laws, as erroneous.	641

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		1866.		
1286	Mr. Adams to Mr. Seward.	Dec. 7	Has received from Lord Stanley copies of his dispatches to Sir F. Bruce, in reference to reopening negotiations upon the Alabama claims.	644
1885	Mr. Seward to Mr. Adams.	Dec. 10	Has received No. 1275. Incloses extracts from the President's message, which expresses the sentiment of the country on the claims question.	644
		1867.		
	Sir F. Bruce to Lord Stanley.	Jan. 7	Transmits copy of his note to Mr. Seward, inclosing Lord Stanley's dispatches of the 30th of November. Lord Stanley, in his first dispatch, recounts the history of the Sumter, Florida, Alabama, and Shenandoah, and defends their reception in British ports. He then justifies the recognition of rebel belligerency on the ground of the President's proclamation of blockade, and quotes a Supreme Court decision in support of his position. The foreign enlistment act, he claims, was identical with that of the United States. Its evasion by the Alabama could not have been prevented, and sufficient evidence was lacking to have detained the other vessels. The British government, however, proposed an alteration in the laws of both countries, and the United States replied that their law was believed to be sufficient. The provisions contained in the latter law, which are not to be found in that of Great Britain, would have been ineffectual if adopted. The case of the prompt suppression of the Fenians could not fairly be cited, as their movements were all public and evidence against them easily procured. In his second dispatch of November 30, Lord Stanley proposes to submit the question of the Alabama claims to arbitration, excluding the question of premature recognition, and all other claims to a mixed commission.	645
	Mr. Seward to Sir F. Bruce.	Jan. 12	Acknowledges the receipt of his note, covering copy of Lord Stanley's dispatch, and has replied through Mr. Adams.	654
1906	Mr. Seward to Mr. Adams.	Jan. 12	Has received from Sir Frederick Bruce Lord Stanley's review of his No. 1835. Mr. Seward renews his argument based on the reception and sale of the Sumter in British ports, and the outfit of the Alabama and other vessels, the several parts of which were completed in England, although joined together outside of British jurisdiction. Their character was essentially British. In regard to recognition of belligerency, the decision of the Supreme Court referred to does not admit that the proclamation of blockade recognized the existence of a civil war. The recognition was premature and unnecessary. Mr. Seward gives a history of the blockade proclamation, and the recognition of belligerency by Great Britain, and says that the latter proceeding and not the	655

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		1867.	former stamped the insurrection as a civil war. Every government has the right to close ports in insurrection against it, and doing so does not confer belligerent rights upon the insurgents. The plea that the recognition of belligerency was necessary for the protection of British interests is invalid, as the British government could not directly protect their subjects in America. The blockade could have been acknowledged without recognition, as has been uniformly the practice of the United States. Mr. Seward again contrasts the conduct of Great Britain with our own toward the Fenians. While the United States think their claims should be paid at once, they will agree to submit them to arbitration, but cannot except from consideration any question which has been raised in the correspondence.	
	Sir F. Bruce to Lord Stanley.	Jan. 14.	Incloses copy of Mr. Seward's note of January 12.	666
	Lord Stanley to Sir F. Bruce.	Jan. 24	Approves his note to Mr. Seward, communicating proposals for settlement of Alabama claims.	666
1306	Mr. Adams to Mr. Seward.	Jan. 25	Transmits copies of a volume of correspondence between himself and Lord Russell, printed by the Foreign Office.	666
1310	..... do	Jan. 30	Incloses note to Lord Stanley, transmitting copy of No. 1906.	667
	Lord Stanley to Mr. Adams.	Jan. 30	Has received copy of Mr. Seward's dispatch, which will receive full consideration.	667
	Lord Stanley to Sir F. Bruce.	Mar. 9	Transmits copy of Mr. Seward's reply to his dispatch of January 30. Without desiring to revive the controversy, Lord Stanley insists that the President was responsible for the recognition of rebel belligerency by foreign powers. Her Majesty's government cannot consent to refer the question of premature recognition, but propose limited arbitration in reference to the Alabama claims, and a mixed commission to consider all other claims.	668
1952	Mr. Seward to Mr. Adams.	Mar. 28	Refers to growing desire in America for settlement of Alabama claims, and danger of delay. The House of Representatives passed a bill which failed in the Senate, to alter the neutrality laws so as to agree with those of Great Britain, and also a resolution forbidding claims upon the United States to be allowed before being submitted to Congress. Lord Stanley's proposal of separate consideration of the Alabama claims cannot be accepted.	670
1355	Mr. Adams to Mr. Seward.	April 15	Has had an interview with Lord Stanley, for the purpose of having a definite understanding of the difficulties in the way of the settlement of existing questions. On learning, however, that the latter's proposal of March 9 had not yet been submitted to Mr. Seward, Mr. Adams refrained from pressing immediate action. Mr. Adams doubts the expediency of insisting that the ques-	671

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		1867.	tion of premature recognition should be submitted to arbitration. The propositions in Congress if adopted would weaken our position.	
1965	Mr. Seward to Mr. Adams.	April 16	The British minister has presented Lord Stanley's proposal of March 9. The United States cannot agree to a separate arbitration of the Alabama claims.	672
1971	..... do.....	May 2	Has received No. 1355. The President sees no prospect of coming to an agreement with the British government on the claims question. The people still retain their sense of the injuries following the unfriendly recognition of rebel belligerency, and would not permit that question to be waived in the settlement of their claims.	673
1361	Mr. Adams to Mr. Seward.	May 2	Has received No. 1965, and communicated its contents to Lord Stanley. The latter agreed that the government having consented to arbitration for the Alabama claims, might easily submit the less important claims to the same tribunal; but the difficulty would be to find an umpire willing to decide upon so many unimportant questions. As Mr. Seward in his dispatch had not noticed Lord Stanley's exception of the recognition question from consideration, Mr. Adams alluded to it as making an essential point in Lord Stanley's reply. Mr. Adams thought it inexpedient to print the recent correspondence.	674
	Lord Stanley to Sir F. Bruce.	May 2	Communicates the substance of Mr. Seward's reply to his dispatch of March 9, just received from Mr. Adams.	676
1986	Mr. Seward to Mr. Adams.	May 20	Has received No. 1361. No limitation upon the arbitration of the Alabama claims can be consented to.	676
	Lord Stanley to Sir F. Bruce.	May 24	The term "Alabama claims" in the proposal for arbitration was meant to cover claims arising from the depredations of the Alabama, Florida, Georgia, and Shenandoah. These claims depend upon the solution of an abstract question of responsibility, and are proper subjects for arbitration, while the general claims are diversified in their nature, and their decision by an arbiter would be impracticable. Her Majesty's government would be glad to learn that the question of premature recognition was waived by the United States.	677
	Mr. Seward to Sir F. Bruce.	July 27	Will take the President's directions and reply to Lord Stanley's letter upon his return to Washington.	678
2037	Mr. Seward to Mr. Adams.	Aug. 12	In reply to Lord Stanley's dispatch of May 24, the United States understand the Alabama claims to include all those arising from the depredations of the Alabama or similar vessels, but would consider itself at liberty to urge the actual proceedings and relations of Great Britain, her officers and subjects, toward the United States in regard to the rebellion, as affecting the question of her moral responsibility for that class of claims. The United States	679

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			also understand that Lord Stanley proposes to submit the question of moral responsibility to an arbiter, and if it should be decided in favor of the United States, then the individual claims involved, together with all claims of a general nature, are to go to a mixed commission for adjudication. The United States only agree that the principle (of arbitration) should be followed for all classes of claims.	
	Lord Stanley to Sir F. Bruce.	Sept. 10	Communicates the substance of Mr. Seward's letter of August 12, received from Mr. Adams.	680
1447	Mr. Adams to Mr. Seward.	Sept. 13	Has read No. 2037 to Lord Stanley, who wished to consider its terms before answering definitely, and said that some limit must be applied to the arbitration, or no umpire could be found. Lord Stanley suggested either of the German powers, and expressed strong hopes of the speedy settlement of the difficulties.	681
2060	Mr. Seward to Mr. Adams.	Sept. 25	Has received No. 1447. Lord Stanley's sentiments coincide with his own.	682
1474	Mr. Adams to Mr. Seward.	Nov. 2	Has had a conference with Lord Stanley, in which the latter expressed his opinion that a settlement of the claims question could be reached without much difficulty, but that the point of pride about the right of recognition was so great, even with our best friends in England, that it could not be submitted to arbitration.	682
2093	Mr. Seward to Mr. Adams.	Nov. 16	The sentiment of the American people is equally as unanimous as that of the English, and would not permit the question of premature recognition to be waived.	683
	Lord Stanley to Mr. Ford.	Nov. 16	In answer to Mr. Seward's letter of August 12, her Majesty's government cannot refer to arbitration the justice of their proceedings in recognizing the rebels as belligerents. The only point for arbitration in regard to the Alabama claims is the moral responsibility of Great Britain for violation of its neutrality, on the assumption that war actually existed between the United States and the insurgents. This question is entirely different from those involved in the general claims, and should be submitted to a different tribunal. Lord Stanley hopes that the United States will accept his previous proposition of "limited reference to arbitration of the Alabama claims, and adjudication, by a mixed commission, of general claims."	683
2102	Mr. Seward to Mr. Adams.	Nov. 29	Has received from Mr. Ford Lord Stanley's proposal of November 16, and, as it involves the abandoning of our position in regard to premature recognition, it cannot be entertained.	685
2103	..... do	Dec. 2	Directs Mr. Adams to give Lord Stanley a copy of No. 2102.	686
1488	Mr. Adams to Mr. Seward.	Dec. 4	Transmits published correspondence between himself and Lord Stanley in reference to claims. Has received No. 2093, and, from	686

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			Lord Stanley's tone in connection with it, is convinced that further negotiation is useless.	
1503	Mr. Adams to Mr. Seward.	Dec. 24	Had left copy of No. 2102 with Lord Stanley, and supposed the negotiation to be over. Lord Stanley, however, showed him copy of a note from Mr. Seward to Mr. Ford, stating that no more proposals could come from his government, but suggesting the possibility of Lord Stanley's proposing to lump all matters at issue between the two countries and treat them in one negotiation. Lord Stanley said that the difficulty would be that private claimants would not want their claims bargained away against points in which they were not interested, to which Mr. Adams assented. Lord Stanley promised to give the suggestion full consideration.	686
		1868.		
2118	Mr. Seward to Mr. Adams.	Jan. 13	Has received No. 1503. His suggestion to Mr. Ford did not refer simply to mutual pecuniary war claims, but was meant to include the San Juan boundary, the naturalization, extradition, fishing, and all other questions upon which the two countries held different views. A convention proposed by Lord Stanley upon all these questions would lay a broad foundation for friendly and satisfactory relations.	688
	Lord Stanley to Mr. Thornton.	Feb. 15	Mr. Adams has communicated parts of a dispatch from Mr. Seward, expressing a desire for the settlement of various international questions, (not including the Canadian reciprocity treaty,) and suggesting that all such questions should be considered at one conference. Lord Stanley desires further development of this idea, and information as to Mr. Seward's views of the nature of the conference.	689
1539	Mr. Adams to Mr. Seward.	Feb. 18	Has communicated contents of No. 2118 to Lord Stanley, who desires further explanation of the suggestion of a general conference. His lordship will not stand on ceremony if a settlement can be effected.	690
2141	Mr. Seward to Mr. Adams.	Mar. 7	Has received No. 1539, and approves Mr. Adams's proceedings. Further consideration of the claims question will be postponed until the termination of proceedings in regard to naturalization.	690
1549	Mr. Adams to Mr. Seward.	Mar. 7	Transmits published debate in Commons in relation to questions at issue between the United States and Great Britain. The failure of negotiations is regretted, and Parliament is prepared to submit the claims to decision of a commission.	691
2144	Mr. Seward to Mr. Adams.	Mar. 23	Has received No. 1549. The change in British opinion is gratifying. Has suggested to Mr. Thornton plans for settling the naturalization and San Juan questions preparatory to touching the claims question.	691
2	Mr. Seward to Mr. Johnson.	July 20	Instructs Mr. Johnson to attempt a settlement of the naturalization and San Juan	692

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			questions, and then to ascertain the disposition of the British government toward the adjustment of the claims by a commission similar to that of 1853.	
14	Mr. Johnson to Mr. Seward.	Sept. 12	From the result of his interview with Lord Stanley, is convinced that all differences can be satisfactorily adjusted; but submits the policy of arranging the San Juan and claims matters before the settlement of the naturalization question, if the latter should be delayed by Parliament.	693
20	Mr. Seward to Mr. Johnson.	Sept. 23	Instructs Mr. Johnson, in case he shall be convinced that the naturalization affair will be satisfactorily adjusted, to open concurrent negotiations upon the San Juan and claims questions, but not to close the latter until the former convention shall have been completed.	694
Tel.	Mr. Johnson to Mr. Seward.	Oct. 20	Asks permission to sign claims convention on basis of treaty of 1853.	695
Tel.	..... do	Oct. 20	Asks if Alabama claims can be left to arbitration of King of Prussia.	695
	Lord Stanley to Mr. Thornton.	Oct. 21	Has had interview with Mr. Johnson, and explained to him the impracticability of submitting the question of culpability of the British government involved in the Alabama claims to the judgment of a commission; also, suggested either the President of Switzerland or the King of Prussia as arbiters. Her Majesty's government could not agree to submit the question of premature recognition, but thought that difficulty might be avoided.	696
Tel.	Mr. Seward to Mr. Johnson.	Oct. 24	Directs Mr. Johnson to insist on claims convention like that of 1853, without naming arbiter. That can be done by commissioners.	697
Tel.	..... do	Oct. 25	Asks if claims convention can be hastened.	697
Tel.	Mr. Johnson to Mr. Seward.	Oct. 27	Dispatch received. Will try to hasten claims convention.	697
40	..... do	Oct. 28	Hopes to conclude convention on Alabama and all other claims on basis of treaty of 1853. Lord Stanley is reluctant to leave decision of the questions of international law involved in the Alabama claims to a commission; but will probably consent, provided the selection of an umpire in those cases be left to the government instead of to the commissioners. The arbitrator is not to be restricted, but will consider all points involved in the claims.	697
Tel.	..... do	Oct. 29	Expects to sign claims convention, as instructed, next week.	698
42	..... do	Oct. 31	Claims convention progressing favorably	698
47	..... do	Nov. 7	Expects to sign claims convention next week.	699
Tel.	Mr. Seward to Mr. Johnson.	Nov. 7	San Juan protocol all right, if President of Switzerland named arbitrator. Claims protocol will meet opposition.	699
49	Mr. Johnson to Mr. Seward.	Nov. 10	Incloses claims protocol, just signed, providing for the consideration of all claims by two commissioners from each country, with an umpire selected by themselves, to whom all general claims are to be referred upon which a majority are not agreed; and an arbitrator, the head of some friendly	699

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		1868.	nation, selected by the two governments, who is to decide such of the Alabama and similar claims as the commission do not unanimously agree upon. If the arbitrator's decision on any claim be in favor of the United States, the commission are then to adjudicate the amount payable thereon. All questions, upon the decision of which claims may rest, (including that of premature recognition,) may be raised before the commissioners or arbitrator. Each government is to be represented before the commission by an agent. All claims must be presented within nine months after first meeting of commission, and decided within two years. The correspondence and evidence now in possession of each government are alone to be considered in the decision of the Alabama claims, unless further argument or evidence be called for by the commissioners or arbitrator. The decision is to be conclusive. No claims arising prior to July 26, 1853, are to be considered. All awards are to be paid in coin, or its equivalent. Most of the evidence being in England, the commission is to sit in London.	
	Lord Stanley to Mr. Thornton.	Nov. 10	Incloses copy of claims protocol just signed with Mr. Johnson.	705
Tel.	Mr. Seward to Mr. Johnson.	Nov. 11	Not received claims protocol. Commission must sit in Washington.	706
Tel.	Mr. Johnson to Mr. Seward.	Nov. 12	Will try to have commission sit in Washington, but from previous instructions thought it unimportant, as all the proof is in England and arbitrator will probably be European; London is better.	706
Tel.	Mr. Seward to Mr. Johnson.	Nov. 12	In view of highly disturbed national sensibilities, commission must sit in Washington.	706
53	Mr. Johnson to Mr. Seward.	Nov. 14	Had received no instructions to insist upon Washington as the place for the commission, and referring to No. 375 to Mr. Adams, concluded it was not regarded as important, as proof in Alabama claims is all in England, and as the umpire will probably be European, London was thought the better place. Will try, however, to have the change made.	706
Tel.	..... do	Nov. 16	Has reason to believe Washington will be agreed to.	707
61	..... do	Nov. 23	Incloses additional article to claims convention, changing place for sitting of the commission from London to Washington.	708
	Lord Stanley to Mr. Thornton.	Nov. 24	Transmits copies of additional article to claims convention.	708
Tel.	Mr. Johnson to Mr. Seward.	Nov. 24	Washington substituted for London.....	709
Tel.	Mr. Seward to Mr. Johnson.	Nov. 26	Claims convention, unless amended, is useless. Will explain in dispatches.	709
Tel.	..... do	Nov. 27	Proposes amendments to the claims protocol which are considered essential. The commissioners appointed by the President must be confirmed by the Senate. Washington must be substituted for London.	709

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		1868.	Provisions for separate consideration of the Alabama claims must be stricken out. If these changes are agreed to, Mr. Johnson is instructed to sign this and the San Juan convention.	
47	Mr. Seward to Mr. Johnson.	Nov. 27	Has received No. 49 with inclosed convention; recounts its provisions, and states the grounds of objection to Articles IV and V to be their discrimination against the Alabama claims in requiring the commissioners to agree unanimously upon them, and in stipulating that the arbitrator shall be previously chosen by the two powers, and shall be the head of a friendly government. Article VI, prohibiting argument upon the Alabama claims, is also objectionable. No such provisions were made in the treaty of 1853, on which this convention was to have been based. Mr. Seward incloses copy of the convention altered to meet these and other minor objections, and says that its character is not thereby materially changed, but that these amendments are deemed necessary to insure its ratification. Mr. Johnson is instructed to say that his government, in assenting by telegraph to the convention, supposed the treaty of 1853 was being more closely followed. In case the changes are agreed to, the convention had better first be made in protocol, and until they are agreed to, the San Juan and naturalization questions should rest in that form.	710
	Lord Stanley to Mr. Thornton.	Nov. 27	Has received Mr. Thornton's telegram in reference to objections made by American cabinet to claims convention, and has asked by telegraph for further explanations.	720
65	Mr. Johnson to Mr. Seward.	Nov. 28	Has received telegram of 26th, and cannot understand the disapproval of the claims convention. Except the provisions in regard to the Alabama claims, it is the same as that of 1853. A satisfactory naturalization treaty is certain.	721
	Mr. Thornton to Lord Stanley.	Nov. 30	Recounts his interview with Mr. Seward, and the latter's objections to the claims convention. In providing for separate consideration of the Alabama claims Mr. Johnson had exceeded his instructions. It was suggested that Mr. Thornton should go to England to explain matters. Should the amendments proposed by Mr. Seward be accepted and embodied in a protocol, however, the Senate would undoubtedly assent to its ratification.	722
72	Mr. Johnson to Mr. Seward.	Dec. 5	Has received telegram of November 27. Lord Stanley had no objection to most of the proposed changes in the claims convention, but thought the magnitude of the questions involved in the Alabama claims demanded that the arbitrator should be the head of a friendly government, and that he should be appointed by the two powers.	725

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		1868.	Not thinking it inconsistent with his instructions, or with the treaty of 1853, Mr. Johnson had incorporated this provision. The alteration may be acceded to by the new ministry.	
49	Mr. Seward to Mr. Johnson.	Dec. 7	Has received No. 61, with additional article to claims convention, changing the place for sitting of the commission to Washington, and approves Mr. Johnson's proceedings in this particular. Without the further changes proposed, the Senate will not ratify the convention.	726
	Lord Stanley to Mr. Thornton.	Dec. 8	Is surprised to learn the objections to the claims convention. Incloses memoranda of conversation with Mr. Johnson, from which it appears that the latter had at first suggested the payment of a lump sum of money or the cession of a portion of territory as satisfaction for the Alabama claims, which propositions had been rejected. Also, incloses other memoranda and copies of correspondence showing the various stages of the negotiation. Both Mr. Johnson and Lord Stanley had supposed that the final form of the convention was agreeable to the former's instructions, and would be approved by his government.	727
52	Mr. Seward to Mr. Johnson.	Dec. 12	Has received No. 65. The views of the President in reference to the claims convention, already expressed, are sustained by the people.	735
80	Mr. Johnson to Mr. Seward.	Dec. 16	Has seen Lord Clarendon, who thought, with Lord Stanley, that the arbitrator in the Alabama claims should be the head of a friendly nation selected by the two governments. Mr. Johnson hopes to overcome or avoid this objection.	735
Tel.	..... do	Dec. 18	The British government proposes to submit all claims to commissioners, who, if they disagree on any claim, and think it should be referred to a foreign state, are so to report to their respective governments, and such an arbitrator is to be selected by said governments within six months. Mr. Seward's other amendments are agreed to.	736
82	..... do	Dec. 19	Lord Clarendon is anxious for a satisfactory conclusion of the claims negotiation, and it will be renewed as soon as an answer is received to yesterday's telegram.	736
Tel.	Mr. Seward to Mr. Johnson.	Dec. 20	Has received telegram of the 18th, and proposes that the claims commissioners have power to appoint the head of a friendly state as arbitrator upon any claim about which they may disagree, and that in that case they may take instructions from their respective governments; and if such an arbitrator be not agreed upon within six months, the commissioners shall choose an arbitrator by lot, who may or may not be the head of a foreign government. The convention should be in protocol and signed at Washington, though these points are not indispensable. The other amendments formerly proposed are renewed.	736

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86	Mr. Johnson to Mr. Seward.	Dec. 23	Has received telegram of the 20th, and thinks Lord Clarendon will agree to have the arbitrator named by the claims commissioners under instructions from their governments, but not appointed by themselves, as no head of a foreign state would act under such an appointment. Lord Clarendon also objects to the limitation of the time for the selection of an arbitrator, as implying bad faith on the part of the governments. The other amendments, except those changing the convention into a protocol, and providing for its being signed in Washington, will probably be accepted.	737
87	.....do.....	Dec. 24	Has seen Lord Clarendon again. The cabinet refuse to convert the claims convention into a protocol and have it signed in Washington, as that would be disrespectful to the late government. They also concur in Lord Clarendon's objections on account of the imputation of bad faith contained in the limitation of the time for choosing an arbiter, and agree that it would be discourteous to allow the arbiter, if the head of a nation, to be selected by the commissioners. They are willing to stipulate, however, that if any two of the commissioners desire to have any claim referred to the head of a friendly state, the two governments, being so advised, shall select such an arbitrator. The cabinet think this provision in strict accordance with the treaty of 1853, and are very anxious to have the matter settled. Mr. Johnson can have the Alabama claims especially included among the claims to be considered by the commission, and thinks it important to do so.	738
	The Earl of Clarendon to Mr. Thornton.	Dec. 24	Recounts Mr. Seward's objections to the claims convention, and expresses the willingness of her Majesty's government to meet his wishes, and assimilate the convention more closely to that of 1853. Incloses memorandum of a convention providing that the governments, on recommendation of two or more of the commissioners that any claim should be referred to the arbitration of the head of a friendly nation, shall, within six months, appoint such arbitrator, and that his decision shall rule all other claims of the same class. The official correspondence shall be laid before the commission, and any other documents may be produced, and one person heard on behalf of each government. The decision of the commissioners or umpire shall be final. Claims must be presented within nine months from first meeting of commission, and decided within two years, and awards paid within eighteen months thereafter. Her Majesty's government prefer the form of convention to that of protocol, because it will lead to an earlier settlement.	739

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56	Mr. Seward to Mr. Johnson.	Dec. 31	Has received No. 80. Is awaiting answer to telegram of 20th.	746
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58	..... do	Jan. 2	Has received No. 82, and approves Mr. Johnson's proceedings. Is awaiting draught of convention which Lord Clarendon has sent to Mr. Thornton.	746
96	Mr. Johnson to Mr. Seward.	Jan. 9	Awaits answer to Nos. 86 and 87 before proceeding with claims negotiations. If Lord Clarendon's suggestions are agreed to, they can be speedily terminated.	747
Tel.	Mr. Seward to Mr. Johnson.	Jan. 11	Has received Lord Clarendon's draught of a convention, and proposes amendments specially including the Alabama claims in those to be submitted to the commission, omitting all reference to the peculiar nature of any claims to be referred to arbitration, and striking out as unnecessary the clause providing that the arbiter's decision shall govern all similar cases. If these alterations are agreed to, Mr. Johnson is instructed to sign this and the San Juan convention.	747
59	..... do	Jan. 12	Has received Nos. 86 and 87, and also Lord Clarendon's project, and renews his amendments proposed yesterday by telegraph. The one specially naming the Alabama claims will guard against all doubt of their being included for consideration, and the second amendment avoids the appearance of singling them out for especial reference to arbitration. The clause providing that the decision of one case shall rule all similar ones is unnecessary, as no umpire would be likely to make contradictory decisions. The conventional form is agreed to, and in case the above alterations are accepted, Mr. Johnson is instructed to sign this and the San Juan treaty at once, and telegraph, so that they may be laid immediately before the Senate.	748
Tel.	Mr. Johnson to Mr. Seward.	Jan. 12	Has received yesterday's telegram, and thinks all will be right.	750
98	..... do	Jan. 13	Has received from Lord Clarendon a draught of claims convention with Mr. Seward's amendments inserted, but owing to the absence of the prime minister its signing will be delayed for a few days.	750
Tel.	Mr. Seward to Mr. Johnson.	Jan. 14	Asks dates of conventions signed in order to prepare copies for the Senate.	750
Tel.	Mr. Johnson to Mr. Seward.	Jan. 14	Convention signed as instructed. Goes Saturday.	750
Tel.	..... do	Jan. 15	Both conventions signed on 14th. Telegraph ratification.	751
100	..... do	Jan. 15	Incloses copies of San Juan and claims conventions signed yesterday. The latter is in exact accordance with instructions, and only differs from the treaty of 1853 in its specially including the Alabama claims. The British government has yielded, first, the submission of these claims, and second, the consideration of the question of premature recognition, both of which are included in this convention. This has	751

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			been done cheerfully, and evidently out of a growing feeling of friendship for the United States.	
	The Earl of Clarendon to Mr. Thornton.	Jan. 16	Incloses copies of boundary and claims conventions signed yesterday with Mr. Johnson.	756
	Mr. Thornton to the Earl of Clarendon.	Jan. 18	The naturalization protocol and San Juan and claims conventions have been laid before the Senate.	756
64	Mr. Seward to Mr. Johnson.	Jan. 20	The naturalization protocol and San Juan and claims conventions have been laid before the Senate.	756
105	Mr. Johnson to Mr. Seward.	Jan. 25	Desires early information as to the action of the Senate upon the San Juan and claims conventions.	757
68	Mr. Seward to Mr. Johnson.	Jan. 30	Has received No. 100, and the original conventions therein inclosed will be submitted to the Senate.	757
106	Mr. Johnson to Mr. Seward.	Jan. 30	Argues from the decision of the recent Paris conference that none of the powers there represented could fail to decide in our favor if called upon to arbitrate upon the Alabama claims. As England herself was represented, she may be considered as tacitly admitting their justice.	757
	Mr. Thornton to the Earl of Clarendon.	Feb. 1	Incloses copy of petition of George B. Upton, presented to the Senate by Mr. Sumner, remonstrating against the ratification of the claims convention on account of the injustice to himself and other claimants, by reason of the length of time allowed for the proceedings of and payment of awards made by the commission; and also, on the ground that claims arising from the depredations of pirates built and sent out under British protection, should not be placed upon the same footing as those arising from ordinary causes.	758
74	Mr. Seward to Mr. Johnson.	Feb. 10	Has received No. 105. The conventions may not be acted upon by the Senate during the present session.	759
112	Mr. Johnson to Mr. Seward.	Feb. 17	Reviews at length the progress of negotiations upon the naturalization, San Juan, and claims question, and alludes to his own course in sounding public opinion in regard thereto. In the naturalization treaty the British government has entirely abandoned its traditional policy and adopted that of America. From a careful study of the boundary question, Mr. Johnson is satisfied that in this case, also, the decision must be in our favor. As regards the claims it is evident that they can only be settled by peaceful negotiation. Even if they constituted of themselves sufficient grounds for the declaration of war, the event of such a war would be uncertain, and the injuries complained of would not thereby be redressed. The British government, having finally agreed to submit to arbitration both the questions of premature recognition of rebel belligerency and that of proper diligence in their enforcement of municipal and international laws, Mr.	760

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		1869.	Johnson argues that their decision must inevitably be in our favor, and recounts the circumstances of the recognition which rendered it precipitate, and also those attending the escape and subsequent reception of the Alabama and other vessels, as clearly showing a lack of diligence on the part of her Majesty's officers. No valid objection can be made to the convention on the ground that all claims accruing since 1853 are admitted to consideration; nor can it be urged that the United States, as a nation, has any claim upon Great Britain for losses by the recognition of rebel belligerency, or other unfriendly acts of the latter government, since it would be obviously impossible to fix a standard for the measurement of such losses, and since the United States have hitherto only proposed to hold the British government responsible for actual damages to their citizens, flowing from the unfriendliness or negligence of the latter. The present convention grants all that the United States have ever asked; and from his knowledge of the sentiments of the British government and people, Mr. Johnson is satisfied that no further concessions can be obtained. Every dollar of the Alabama claims will be paid should this convention be adopted. Lords Stanley and Clarendon have been very friendly, and exhibited a sincere desire to have all questions between the two nations honorably settled.	
119	Mr. Johnson to Mr. Seward.	Feb. 20	Incloses editorial from the London Times, in reference to the failure of the claims convention in the Senate committee. The Times sustains Mr. Upton's objection to the length of time allowed for proceedings of the commission, &c., but denies his assertion that no action was taken by the British government to prevent expeditions like that of the Alabama, and says that it would be absurd and impossible to base a claim for damages upon the unfriendly feeling of British subjects toward the United States. The real defect of the treaty consists in a lack of clearness upon the question of premature recognition, and this defect should be obviated if another convention were proposed. The commissioners could deal intelligibly with special claims only upon the supposition that war actually existed to justify the recognition of rebel belligerency. The British government has done all in its power and can now only await propositions from the other side. Mr. Johnson says that the time allowed for the ratification of the treaty, the setting of the commission, and the payment of awards is only designed to avoid possible failure of adjustment within a shorter period, but will not prevent the work being done as rapidly as possible. The objection	768

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			that British claims are to be considered by the commission is grossly unjust, and casts an imputation on the honor of Great Britain, under which no government would consent to negotiate.	
Tel.	Mr. Johnson to Mr. Seward.	Feb. 22	Has committee acted on claims convention..	771
Tel.	Mr. Seward to Mr. Johnson.	Feb. 22	The Senate committee are understood to be adverse to claims convention, but have not yet reported.	771
	Mr. Thornton to the Earl of Clarendon.	Feb. 22	Incloses resolution of the Massachusetts legislature against the ratification of the claims convention. The Senate committee have decided to report adversely.	772
124	Mr. Johnson to Mr. Seward.	Feb. 27	Has received No. 74. Desires early information as to the final action of the Senate on the conventions.	772
81	Mr. Seward to Mr. Johnson.	Mar. 3	Has received No. 112. The President regards it as an able and elaborate paper, and would have communicated it to the Senate if received in time. It will probably go in next session.	773
	The Earl of Clarendon to Mr. Thornton.	Mar. 22	Incloses amendment to claims convention proposed by Mr. Johnson in a recent interview, providing for the consideration of the claims of either government upon the other. Lord Clarendon said in reply that the concessions already made had not been met in the same spirit, and referred to the premature publication of the convention in the United States. The British government were ignorant of the objections of the Senate to the convention. Such an amendment could hardly now be adopted.	773
	Mr. Thornton to the Earl of Clarendon.	Mar. 23	The claims convention will soon be submitted to the Senate. Mr. Sumner, chairman of the committee, has prepared an argument against its adoption. Mr. Thornton thinks it will fail of ratification.	774
	The Earl of Clarendon to Mr. Thornton.	Mar. 27	Incloses correspondence with Mr. Johnson in reference to the latter's proposition to amend the claims convention by including governmental claims.	775
	Mr. Thornton to the Earl of Clarendon.	Mar. 29	The claims convention has not yet been reported from the committee. It is rumored that no action will be taken upon it. Has alluded to the San Juan question in conversation with Mr. Fish, who expressed a hope that it might be settled.	775
	The Earl of Clarendon to Mr. Thornton.	April 9	Has had an interview with Mr. Johnson in reference to the latter's proposed amendment to the claims convention, in which he adverted to the concessions already made, and stated that many of the cabinet thought it inconsistent with the dignity of her Majesty's government to amend a treaty already signed without a certainty of thereby meeting the objections of the Senate.	776
150	Mr. Johnson to Mr. Fish.	April 9	Incloses copies of correspondence with Lord Clarendon, in which he proposed an amendment to the claims convention by	777

No.	From whom and to whom.	Date.	Subject.	Page.
		1869.	which the claims of either government upon the other might be submitted to the commission. Lord Clarendon asked if this proposition was authorized by the new government, to which Mr. Johnson replied that it was made under the authority of his general instructions. Lord Clarendon then declined the proposal, on the ground that its acceptance would involve a wide departure from the treaty of 1853, and might not meet the Senate's objections to the convention. Mr. Johnson replied that the departure from the treaty of 1853 would not be very great. He inferred from Lord Clarendon's note that the amendment might be acceded to if renewed by instructions of the present government, and for these instructions he now asks.	
Tel.	Mr. Johnson to Mr. Fish.	April 10	Asks instructions to propose an amendment to claims convention providing for the consideration of governmental claims.	781
	The Earl of Clarendon to Mr. Thornton.	April 10	Incloses copies of further correspondence with Mr. Johnson on the subject of the claims convention.	781
Tel.	Mr. Fish to Mr. Johnson.	April 12	As the treaty is now before the Senate, no change is deemed advisable.	781
	The Earl of Clarendon to Mr. Thornton.	April 14	Has received dispatch of March 29, and approves Mr. Thornton's proceedings.	782
153	Mr. Johnson to Mr. Fish.	April 16	Incloses copies of correspondence with Lord Clarendon, in which the latter states that he did not, in his recent note, intend to imply that Mr. Johnson's proposal to amend the claims convention would be accepted if renewed under instructions from his government.	782
	The Earl of Clarendon to Mr. Thornton.	April 17	Incloses copies of further correspondence with Mr. Johnson relative to the claims convention.	783
	Mr. Thornton to the Earl of Clarendon.	April 19	The claims convention has been rejected by the Senate nearly unanimously. Mr. Sumner's speech in executive session, (published by order of the Senate,) takes the ground that England owes the United States an apology and reparation for her premature recognition of rebel belligerency; and that the damages for which she is thereby responsible includes the property destroyed by rebel cruisers, the remote injury to American shipping interests, the increase of insurance rates, and the prolongation of the war by reason of blockade-running. Mr. Thornton reviews the speech in detail, and alleges that its assumptions are untenable, and its tendency is to excite a hostile feeling toward England. Its publication, contrary to custom, as well as the premature publication of the convention itself, was made in an unfriendly spirit.	783
102	Mr. Fish to Mr. Johnson.	April 19	Incloses copy of the Senate resolution, rejecting the claims convention. The President still hopes that the matter may be settled satisfactorily.	786

No.	From whom and to whom.	Date.	Subject.	Page.
		1869.		
108	Mr. Davis to Mr. Johnson.	April 27	Has received No. 150, with inclosures in reference to proposed modification of the claims convention. The necessity of a reply has been anticipated by telegraph, and by the rejection of the convention.	786
	The Earl of Clarendon to Mr. Thornton.	May 5	Incloses copy of his note to Mr. Johnson, in reply to the latter's announcement of the rejection of the claims convention.	787
171	Mr. Johnson to Mr. Fish.	May 5	Incloses copy of his note to Lord Clarendon, covering Senate resolution rejecting the claims convention, and referring to the hopes entertained by the President of the amicable adjustment of the question. Also, incloses copy of Lord Clarendon's reply, stating that the government and people of England earnestly desire the honorable settlement of all questions. Mr. Johnson's experience has satisfied him of the truth of this statement.	787
174	.....do	May 10	Has received dispatches up to No. 108. From the tone of public opinion Mr. Johnson is convinced that the demands contained in Mr. Sumner's speech will never be admitted by Great Britain.	789

REBEL CRUISERS CONTINUED.

REBEL CRUISERS.

THE ALABAMA.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 69.] UNITED STATES CONSULATE,
Liverpool, May 16, 1862.

SIR: * * * * * *

In a previous dispatch I mentioned the fact that Messrs. Laird & Co. were building a gunboat at Birkenhead, which I believed was intended for the confederacy. This boat was launched yesterday. She will be, when finished, a very superior boat. Her planks were caulked as they were put on, her timbers are of the very best English oak, every plank and timber was most critically examined, and all her fastenings were copper bolts. The steam gear is all copper and brass; in a word, the foreman who had charge of building her says that no boat was ever built stronger or better than her. The order, when given, was to build her of the very best material, and in the best and strongest manner, without regard to expense; and the foreman says that this has been done. Her powder is to be placed in copper cans of a new patent, and are now being made. There is no doubt but what she is intended for the rebels. This was admitted by one of the leading workmen in the yard; he said she was to be the sister to the Oreto, and for the same purpose and service. She is not yet named.

* * * * * *

Believe me to be, sir, very respectfully, your obedient servant,
THOMAS H. DUDLEY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 84.] UNITED STATES CONSULATE,
Liverpool, June 18, 1862.

SIR: * * * * * *

The gunboat built for the confederates by Messrs. Lairds will soon be completed. She made a trial trip last Thursday. None of the press were invited. No one was admitted on board without a ticket. They were issued only to the persons actively engaged in aiding the rebellion. All the active persons and houses engaged in fitting out ships, &c., were represented on her. The New York papers have published articles stating that information of ships fitting out at this port is sent to our

government. These pieces have been copied in the newspapers here, and the effect has been to make the people much more careful and guarded. It is now difficult to obtain information about this vessel. They will not admit any one except those connected with the yard to go in. I have obtained the following description of her, which is correct, so far as it goes. Her engines are 350 horse-power, oscillating in principle. She will draw 14 feet when loaded, and is 1,050 tons burden—has one funnel or smoke-stack painted black, forward of the mainmast, two ventilators forward of the funnel, also painted black. The hull painted black; billet-head gilt, with a shield painted red. The stern is round, with black galley windows. The stern has carvings on it of gilt. She has three masts, bark-rigged; the masts and spars very bright. Her propeller is a screw, so arranged that it can be raised by steam from the water. The frame-work in which this screw or fan works is of solid brass, weighing from one and a half to two tons. The vessel is coppered, and has copper fastenings, and is calculated to run fifteen knots per hour. Her powder cases or cans are two hundred in number, all made of copper, with a patent screw in the top, which costs two pounds apiece. No pains or expense has been spared in her construction, and when finished will be a very superior boat of her class. Indeed, they say there will be no better afloat. Her trial trip was entirely satisfactory. She will be finished and ready for her armament in about ten days or two weeks. I have not yet learned what it is to be. The platforms for the guns that are being made are such that the gun can be used on both sides of the vessel.

* * * * * *

I am, sir, very respectfully, your obedint servant,

THOMAS H. DUDLEY, *Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 179.] LEGATION OF THE UNITED STATES,
London, June 26, 1862.

SIR: Notwithstanding the adverse news lately flowing in from America to the sympathizers with the rebels respecting the loss of their vessels and outfits, the effect of which has been to put an end to insurance on such risks, I continue to receive information of the preparation of such adventurers. One most flagrant instance has been presented to my attention by Mr. Dudley, the consul at Liverpool. I considered it so important that I have felt it my duty to make a representation of it to her Majesty's government. The uniform ill-success which has attended all my preceding remonstrances, especially in the very parallel case of the gunboat Oreto, makes me entertain little hope of a more favorable result now. But the record would hardly seem to be complete without inserting it.

As Captain Craven, of the Tuscarora, has sent notice to this legation of his departure from Gibraltar and his arrival at Cadiz, I have taken the responsibility of asking him to come to Southampton for orders. Should it be possible to take any measures with prudence to break up the voyage of this vessel, I shall advise him of the fact.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 86.] UNITED STATES CONSULATE,
Liverpool, June 27, 1862.

SIR: I have mentioned the gunboat now being built by the Messrs. Lairds & Co., of Liverpool, at their yard in Birkenhead, in two or three notes to the department. Being entirely satisfied in my own mind that this vessel was intended as a privateer for the rebel government, and that it was my duty to use every effort to prevent her sailing, I went up to London to confer with Mr. Adams. At his instance I drew up and addressed to him a note, a copy of which is inclosed, marked No. 1.* He inclosed a copy of this, accompanied with an energetic note from himself to Earl Russell. Mr. Adams thinks there is a better feeling on the part of the government towards us, and that they will now do what they can to conciliate us, and will stop the fitting out of this vessel. It is to be hoped that they will do it, as she would do much mischief to our commerce if she got out in some quarter distant from our cruisers. One of the Lairds, an active member of this firm, is a member of Parliament. This vessel is ready for sea, and if not prevented will sail before the end of next week. Captain Bullock will command her. She will enter upon the business as a privateer at once, and not attempt to run into a southern port. It is said that her armament will consist of eleven guns, all of heavy caliber. * * * * * *

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wilding to Mr. Seward.

[Extract.]

No. 87.] UNITED STATES CONSULATE,
Liverpool, July 5, 1862.

SIR: I send you herewith a full description of the Laird gunboat, as it may be useful. To remove any possible doubt there may be as to the real destination of this vessel, I may inform you that a few mornings since, Captain J. D. Bullock entered, unquestioned, the private dock where she lies, and which is so zealously closed to others, went on board, was saluted by the workmen, appeared to give orders and be attended to as one in authority; also that all the cabin fittings and furniture were selected by him, and were subject to his approval, though paid for by Mr. Laird.

Mr. A. Blain, of 35 Paradise street, Liverpool, fitted up the cabins, and has her entered in his books as No. 290. For a person sent there to inquire if he did fit her up, he wrote the number on one of his cards, along with the names of John Laird, esq., and Captain Bullock as references.

Her engineers and crew have been engaged but not regularly shipped.

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* For this note see inclosure to dispatch No. 184, July 9, 1862, from Mr. Adams to Mr. Seward, *post.*

None of them are allowed on board, and are only to come on board when she sails. The Rosalind, belonging to Fraser, Trenholm & Co., and about which you are already advised, is still here. She took on board three more rifled cannons (32-pounders) this week, making nine she has, just sufficient for the armament of the gunboat, and of the most suitable kind. They are all Blakeley's guns. * * * *

Very respectfully, I am, sir, your obedient servant,

H. J. WILDING.

Hon. WILLIAM H. SEWARD,
Secretary of State.

LAIRDS' GUNBOAT.

* * * * * * * * *

She will carry three swivel guns. She has three double ports each side, forward, midships, and aft. She will carry sixteen guns with the swivels. She is in a confused state, and from her appearance will not be ready before the middle of next week. Is built of oak and coppered, about two hundred feet long and eighteen feet deep, will draw from ten to fourteen feet loaded, 1,050 tons, bark-rigged; has no name, but is called No. 290. Has two oscillating cylinders working almost at the bottom of the vessel.

Mr. Adams to Mr. Seward.

[Extract.]

No. 184.] LEGATION OF THE UNITED STATES,
London, July 9, 1862.

SIR: * * * * * * * *

I forward copies of the correspondence, so far as it has gone, touching the preparation of the formidable gunboat at Liverpool for the use of the rebels. In accordance with the suggestion in Lord Russell's note of the 4th instant, I have directed the vice-consul at Liverpool, in the absence of Mr. Dudley, to prepare and send to the collector of customs there such further evidence as he may obtain of the true destination of that vessel. At the same time I have requested him to send me the same information with a view to take professional advice as to the practicability of proceeding against it in the courts, and, as a last resource, I have taken the responsibility of sending for the Tuscarora. Captain Craven has arrived at Southampton, and has been here to see me. I regard the case as so important that if the evidence shall prove in any way sufficient to justify the step, I shall authorize him to try to intercept her on her way out. This may have the effect of taking the vessel off of her present station and far over to the United States. I know nothing of the naval arrangements, but I presume that the Tuscarora can be replaced by some other ship of less power which would equally serve the purpose of the government as a safeguard against privateering in these waters.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 23, 1862.

MY LORD: Some time since it may be recollected by your lordship that I felt it my duty to make a representation touching the equipment, from the port of Liverpool, of the gunboat Oreto, with the intent to make war upon the United States. Notwithstanding the statements returned from the authorities of that place, with which your lordship favored me in reply, touching a different destination of that vessel, I have the strongest reason for believing that that vessel went directly to Nassau, and that she has been there engaged in completing her armament, provisioning, and crew, for the object first indicated by me.

I am now under the painful necessity of apprising your lordship that a new and still more powerful war steamer is nearly ready for departure from the port of Liverpool on the same errand. This vessel has been built and launched from the dock-yard of persons, one of whom is now sitting as a member of the House of Commons, and is fitting out for the especial and manifest object of carrying on hostilities by sea. It is about to be commanded by one of the insurgent agents, the same who sailed in the Oreto. The parties engaged in the enterprise are persons well known at Liverpool to be agents and officers of the insurgents in the United States, the nature and extent of whose labors are well explained in the copy of an intercepted letter of one of them, which I received from my government some days ago, and which I had the honor to place in your lordship's hand on Thursday last.

I now ask permission to transmit, for your consideration, a letter addressed to me by the consul of the United States at Liverpool, in confirmation of the statements here submitted, and to solicit such action as may tend either to stop the projected expedition, or to establish the fact that its purpose is not inimical to the people of the United States.

Renewing the assurances of my highest consideration, I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, June 21, 1862.

SIR: The gunboat now being built by the Messrs. Laird & Co., at Birkenhead, opposite Liverpool, and which I mentioned to you in a previous dispatch, is intended for the so-called confederate government in the southern States. The evidence I have is entirely conclusive to my mind. I do not think there is the least room for doubt about it. Beauforth and Cady, two of the officers from the privateer Sumter, stated that this vessel was being built for the Confederate States. The foreman in Messrs. Lairds' yard says she is the sister to the gunboat Oreto, and has been built for the same parties and for the same purpose; when pressed for a further explanation, he stated that she was to be a privateer for the southern government in the United States. The captain and officers of the steamer Julia Usher now at Liverpool, and which is loaded to run

the blockade, state that this gunboat is for the confederates, and is to be commanded by Captain Bullock.

The strictest watch is kept over this vessel; no person except those immediately engaged upon her is admitted into the yard. On the occasion of the trial trip made last Thursday week no one was admitted without a pass, and these passes were issued to but few persons, and those who are known here as active secessionists engaged in sending aid and relief to the rebels.

I understand that her armament is to consist of eleven guns, and that she is to enter at once, as soon as she leaves this port, upon her business as a privateer.

The vessel is very nearly completed; she has had her first trial trip. This trial was successful, and entirely satisfactory to the persons who are superintending her construction. She will be finished in nine or ten days. A part of her powder canisters, which are to number two hundred, and which are of a new patent, made of copper with screw tops, are on board the vessel; the others are to be delivered in a few days. No pains or expense have been spared in her construction. Her engines are on the oscillating principle and are three hundred and fifty horse-power. She measures one thousand and fifty tons burden, and will draw fourteen feet of water when loaded. Her screw or fan works in a solid brass frame casting, weighing near two tons, and is so constructed as to be lifted from the water by steam-power. The platforms and gun-carriages are now being constructed.

When completed and armed she will be a most formidable and dangerous craft, and if not prevented from going to sea will do much mischief to our commerce. The persons engaged in her construction say that no better vessel of her class was ever built.

I have, &c.,

THOMAS H. DUDLEY.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 25, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, calling attention to a steam vessel which you state is now fitting out at Liverpool with the intention of carrying on hostilities against the government of the United States, and I have to acquaint you that I have lost no time in referring the matter to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 4, 1862.

SIR: With reference to my letter of the 25th ultimo, I have the honor to inclose a copy of a report from the commissioners of customs respecting the vessel which you have been informed is being built at Liverpool for the government of the so-styled Confederate States, and, in accordance therewith, I would beg leave to suggest that you should instruct

the United States consul at Liverpool to submit to the collector of customs at that port such evidence as he may possess tending to show that his suspicions as to the destination of the vessel in question are well founded.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

CUSTOM HOUSE, *July* 1, 1862.

Your lordships having referred to us the annexed letter from Mr. Hammond, under-secretary of state for foreign affairs, transmitting, by desire of Earl Russell, copy of a letter from the United States minister at this court, calling attention to a steamer reported to be fitting out at Liverpool as a southern privateer, and inclosing copy of a letter from the United States consul at that port reporting the result of his investigation into the matter, and requesting that immediate inquiries may be made respecting this vessel, and such steps taken in the matter as may be right and proper, we report:

That immediately on the receipt of your lordship's reference we forwarded the papers to our collector at Liverpool for his special inquiry and report, and we learn from his reply that the fitting out of the vessel has not escaped the notice of the officers of the revenue, but that as yet nothing has transpired concerning her which has appeared to demand a special report.

We are informed that the officers have at all times free access to the building yards of the Messrs. Laird, at Birkenhead, where the vessel is lying, and that there has been no attempt on the part of her builders to disguise, what is most apparent, that she is intended for a ship of war; and one of the surveyors in the service of this revenue, who had been directed by the collector personally to inspect the vessel, has stated that the description of her in the communication of the United States consul is correct, with the exception that her engines are not constructed on the oscillatory principle. Her dimensions are as follows: length 211 feet 6 inches; breadth, 31 feet 8 inches; depth, 17 feet 8 inches, and her gross tonnage, by the present rule of admeasurement, is $682\frac{31}{100}$ tons. The surveyor has further stated that she has several powder canisters on board, but as yet neither guns nor carriages, and that the current report in regard to the vessel is that she has been built by a foreign government, which is not denied by the Messrs. Laird, with whom the surveyor has conferred; but they do not appear disposed to reply to any questions respecting the destination of the vessel after she leaves Liverpool, and the officers have no other reliable source of information on that point; and, having referred the matter to our solicitor, he has reported his opinion that at present there is not sufficient ground to warrant the detention of the vessel or any interference on the part of this department, in which report we beg to express our concurrence. And with reference to the statement of the United States consul that the evidence he has in regard to this vessel being intended for the so-called confederate government in the southern States is entirely conclusive to his mind, we would observe that inasmuch as the officers of customs of Liverpool would not be justified in taking any steps against the vessel unless sufficient evidence to warrant her detention should be laid before them, the proper course would be for the consul to submit such evidence as he possesses

to the collector at that port, who would thereupon take such measures as the provisions of the foreign enlistment act would require; without the production of full and sufficient evidence to justify their proceedings, the seizing officers might entail on themselves and on the government very serious consequences.

We beg to add that the officers at Liverpool will keep a strict watch on the vessel, and that any further information that may be obtained concerning her will be forthwith reported.

THOS. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

The LORDS COMMISSIONERS *of her Majesty's Treasury.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 7, 1862.

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, covering a copy of the report from the commissioners of customs, respecting a vessel presumed by me to be in course of preparation at Liverpool to carry on hostile operations against the United States. In accordance with your lordship's suggestion, I shall at once instruct the consul of the United States to submit to the collector of customs at that port such evidence as he possesses to show that the suspicions he entertained of the character of that vessel are well founded.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Adams to Mr. Wilding.

LEGATION OF THE UNITED STATES,
London, July 7, 1862.

SIR: I transmit herewith a copy of a note received by me from Lord Russell, in reply to my representation, founded on Mr. Dudley's letters of the 21st of June to me, respecting Mr. Laird's gunboat. In accordance with his lordship's suggestion, I pray you to furnish to the collector of customs, so soon as may be, any evidence which you can readily command in aid of the object designated.

I should be glad likewise to have such evidence made in duplicate, and one copy forwarded to me at the same time for possible use in another way at this point.

I have the honor to be, &c.,

CHARLES FRANCIS ADAMS.

HENRY WILDING, Esq.,
United States Vice-Consul, Liverpool.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 88.] UNITED STATES CONSULATE,
Liverpool, July 9, 1862.

SIR: In my dispatch of June 27 I mentioned the fact that Mr. Adams had applied to the British government to prevent the sailing of the gunboat now being fitted out by the Messrs. Lairds & Co., at Birkenhead. Yesterday I received a note* from him, inclosing a copy of Earl Russell's reply, requesting me to furnish evidence of the character of this vessel to the collector of customs at Liverpool. I shall during the day write a note to the collector and communicate all the facts I can without violating confidence reposed in me by persons from whom I obtained them.

* * * * * * * * *

I do not think the British government are treating us properly in this matter. They are not dealing with us as one friendly nation ought to deal with another. When I, as the agent of my government, tell them from evidence submitted to me that I have no doubt about her character, they ought to accept this until the parties who are building her, and who have it in their power to show if her destination and purpose are legitimate and honest, do so. It is a very easy matter for the Messrs. Laird & Co. to show for whom they are building her, and to give such information as to her purpose as to be satisfactory to all parties. The burden of proof ought not to be thrown upon us. In a hostile community like this it is very difficult to get information at any time upon these matters, and if names are to be given it would render it almost impossible. The government ought to investigate it and not call on us for proof.

I understand if she is not arrested she will endeavor to capture some of the California steamers with specie for New York.

The Rosalind, referred to in previous dispatches, sailed on Saturday last. She has on her nine cannon, rifled, which I think are intended for this gunboat. They are thirty-two-pounders.

I am sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 89.] UNITED STATES CONSULATE,
Liverpool, July 11, 1862.

SIR: Inclosed, marked Nos. 1, 2 and 3, find a copy of the communication by me addressed to the collector of customs at this port, relative to the gunboat now being built by the Messrs. Lairds for the rebel government, a copy of the most extraordinary answer of the collector, and a copy of a note sent to Minister Adams upon the receipt of this

* For this note see inclosure to dispatch No. 184, July 9, 1862, from Mr. Adams to Mr. Seward, *ante*.

answer inclosing him a copy thereof. These papers explain themselves, and do not require further remark by me.

* * * * * * * *

Richard Brougan, a shipwright, now in the employ of the Messrs. Lairds, states that on the day this vessel was launched Captain Bullock and wife with a number of American gentlemen were there; he says Captain Bullock is at the yard and on the vessel every day, and gives orders to the men and seems to have command or at least charge of the vessel, and thinks he owns her, or at least that she is being built for him. He says Bullock represents himself as a commissioner for the southern States, and that this vessel is a privateer, the same as the Oreto, and that she and the Oreto are to cruise together on the American coast for the confederate government. A man by the name of Butcher is to go out nominally as her captain. This man as captain is now shipping the crew, and applied to Brougan to go out as carpenter. A man by the name of Barnett is the acting shipping master. Her stores are all on board. It is now stated that her armament will consist of twelve thirty-two-pounders and three large swivel guns.

I understand if she succeeds in getting out, that it is her intention to capture some of the California steamers on their road to New York.

* * * * * * * * *

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

N. B.—This vessel (the gunboat) has not yet been named. Her number is 290.

[Inclosure Nos. 1 and 2 are printed with Mr. Adams's dispatch to Mr. Seward, No. 196, July 25, 1862, *post.*]

Mr. Dudley to Mr. Adams.

No. 3.] UNITED STATES CONSULATE,
Liverpool, July 11, 1862.

SIR: I inclose you a copy of the communication received from the collector of customs at this port, in reply to the one by me addressed to him on the 9th instant, a copy of which was sent to you by mail yesterday.

The collector seems disposed to hold our government to as strict a rule as if we were in a court of justice. We are required to furnish legal evidence, (I take it this is his meaning, though it is involved in some obscurity,) that is, that the onus is upon us to prove and establish by legal evidence that this vessel is intended as a privateer. If this is to be taken as the answer of the government, it is hardly worth spending our time in making further application to them. They show that their neutrality is a mere pretense, and that the United States cannot expect anything like impartiality and fairness at their hands.

When the United States government, through its acknowledged representatives, say to the British government that it is satisfied that a particular vessel, which is being built at a certain place in the kingdom by certain parties who are their own subjects, is intended as a privateer for the rebel government, it is the duty of that government to call up the parties who are fitting out the vessel, tell them what the charge is, and

require them to state for whom and what purpose she is being built, and if the charge is admitted or shown to be true, to stop her sailing. Our government has a right, it seems to me, not only to expect but to require this much of another friendly government. And if there was any disposition to do right and act honestly, this much at least would be accorded. I inclose a description of the inside of this vessel.

I have the honor to be, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 90.] UNITED STATES CONSULATE,
Liverpool, July 12, 1862.

SIR: * * * * * * * *

I have learned a few more particulars this morning about Lairds' gunboat No. 290. Captain Butcher, who is now acting as the captain, and will continue in that capacity until after they clear, is a British subject, and was, if he is not now, second officer on one of the Cunard line of steamships, which ply between Liverpool and the United States. He has been in the service of this company for a number of years; has been second officer on the Africa and Arabia, and is well known in New York. Barnett, who is shipping the crew, I am informed is also in the employ of this company. After they get out to sea Butcher will turn over the command of the ship to Captain Bullock and take his place as second in command. This is the present programme. I have procured the dimensions of the vessel; they are as follows:

* * * * * * * * *

With high regard, I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 299.] DEPARTMENT OF STATE,
Washington, July 12, 1862.

SIR: Your dispatch of June 26 (No. 179) has been received.

You inform me that Mr. Dudley, our consul at Liverpool, has brought to your notice a new and flagrant violation of neutrality which is being attempted in some British port, and that you have remonstrated against it with the British government, and also have called Captain Craven to Southampton to defeat the enterprise. You, however, do not inform me of the name of the vessel, her particular character or purpose, or of any circumstances of the case. I have communicated the imperfect information thus received to the Navy Department, in the hope that it may be able to render it useful.

This transaction will furnish you a suitable occasion for informing Earl Russell that since the Oreto and other gunboats are being received by the insurgents from Europe to renew demonstrations on our national

commerce, Congress is about to authorize the issue of letters of marque and reprisal, and that if we find it necessary to suppress that piracy, we shall bring privateers into service for that purpose, and, of course, for that purpose only.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 187.] LEGATION OF THE UNITED STATES,
London, July 17, 1862.

SIR: The Tuscarora is still at Southampton. She has been detained by the necessity for some slight repairs. Notes have passed between Lord Russell and myself on the subject, copies of which are hereto subjoined. The consul at Liverpool has made representations to the collector of the customs respecting the vessel not yet named, but undoubtedly fitting out at Liverpool to prey upon our commerce, according to the suggestions made by Lord Russell in his note in reply to my remonstrance. Unfortunately the consul did not affix to this paper the legal form of evidence, which led to its rejection. In the meanwhile I have advised him to supply the omission, and I learn that he has done so.

I have likewise, in concert with Mr. Morse, the consul at this place, taken measures to obtain advice as to the expediency of proceeding against this vessel in another form, agreeably to a suggestion dropped to me some time ago by Lord Russell in conversation. As yet I have not learned the issue of the consultation. The deposition to be taken by Mr. Dudley may be as necessary in this case as in the other. I have requested duplicates to be forwarded to me at once.

Lastly, I have supplied to Captain Craven all the information I can obtain respecting the objects and destination of this vessel, and have advised him to take such measures as may, in his opinion, be effective to intercept her on her way out. He will probably leave Southampton in a day or two.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Inclosures printed under head of "Enforcement of Neutrality," "General Subject," Vol. I, p. 540.]

Mr. Dudley to Mr. Seward.

[Extract.]

No. 93.] UNITED STATES CONSULATE,
Liverpool, July 18, 1862.

SIR: Inclosed, marked No. 1, find copy of letter* from Mr. Edwards, collector of the port, in reference to the gunboat No. 290. You will see by this that they do not deem the evidence sufficient. I infer from this answer that the government declines to take any steps to prevent her sailing.

Our minister at London, in a letter dated yesterday, received this morning, directs me to employ a solicitor, and get up affidavits to lay before the collector, in compliance with act of Parliament 59 George III, c. 69.

I have retained Mr. Squarey of Liverpool, a man of ability in his profession. He has taken hold of the case with energy, and I entertain some hopes that we shall succeed in preventing the gunboat from sailing. I have directed him to work up and prosecute the case without regard to expense. He is reputed to be a man of honor as well as ability. I hope my action in this matter will be approved by the department. The great difficulty we have is to get direct evidence. Mr. Squarey thinks we shall be able to procure enough to hold her.

Since my communication No. 90 she has been in what is known as the great float at Birkenhead, and taken in about five hundred tons of coal. Her provisions are all on board.

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With high regard, I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

LIVERPOOL CONSULATE,
London, July 22, 1862.

SIR: In my dispatch No. 93 I mentioned the fact that the authorities in this country had refused to interfere and prevent the sailing of the gunboat or steam frigate No. 290, built by the Messrs. Lairds, at this port, (Liverpool,) as a privateer for the rebel government, and that I had employed Mr. Squarey, of Liverpool, to institute legal proceedings, under the act of Parliament, to stop her if possible. The difficulty we have had to contend with was to get direct proof. There were men enough who knew about her, and who understood her character, but they were not willing to testify, and in a preliminary proceeding like this it was impossible to obtain process to compel them. Indeed, no one in a hostile community, like Liverpool, where the feeling and sentiment are against us,would be a willing witness, especially if he resided there, and was in any way dependent upon the people of that place for a livelihood. We have, however, succeeded in getting two of the men from the vessel, who were empolyed by Captain Butcher to go out in her. Their evidence is direct and positive that the vessel is a privateer, built as such for the confederate government, and is to go out of this port (Liverpool) to make war upon the government of the United States. Captain Butcher, her captain, who is now in command of the vessel, told these men so, and employed them to go as a part of the crew. They have been on the vessel as a part of the crew under this captain. This evidence, with some two or three other affidavits, was laid before the collector of the port yesterday afternoon, and I think, notwithstanding his sympathy for the rebels and his indisposition to do anything against them, it is too strong and conclusive for him to refuse our application. He gave us no answer; merely stated that he would submit it to the commissioners under whom

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* For inclosure see dispatch from Mr. Adams to Mr. Seward, No. 196, July 25, 1862, *post.*

he acts. I am now in London, having come up last night, accompanied by my solicitor, with copies of the affidavits for Mr. Adams to lay before the Foreign Office, and to confer with him as to further proceedings to arrest this vessel. By his direction we had a conference with Mr. Collier, a barrister of London, this morning. He advises that it will be necessary to take steps to have her condemned, even if the collector should decide in our favor. I think we shall stop her; that the case is so bald they will not dare to let her go.

* * * * * * * * *

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 95.] UNITED STATES CONSULATE,
Liverpool, July 25, 1862.

SIR: I returned from London on Wednesday night. On Tuesday we obtained the affidavits of two of the crew from the gunboat No. 290. Having learned that the collector had forwarded those we laid before him on Monday to the board of customs in London, under whom he acts, we determined to lay these additional affidavits directly before the board, and called for that purpose. We there learned that on the day previous, the next day after we had submitted the affidavits to the collector, they had decided that the evidence disclosed in the affidavits was not sufficient, and had directed the collector at Liverpool not to detain the vessel. I mentioned the fact that we had consulted with Mr. Collier, a barrister in London. This man had been previously consulted by Mr. Adams. He is Queen's counsel to admiralty, a member of Parliament, and stands high in his profession. After learning this extraordinary decision of the board, we again consulted Mr. Collier and procured from him an opinion in writing, that the evidence which we had submitted to the collector was quite sufficient to warrant the detention of the vessel. Mr. Squarey, my solicitor, then addressed a letter to the board, inclosing a copy of this opinion, and the two additional affidavits, and asked them to reconsider their decision.

I inclose copies of the affidavits of William Passmore, Henry Wilding, John Da Costa, Matthew Maguire, and A. S. Clare, and my own as United States consul, all of which were made before and submitted to the collector on Monday last, and upon which Mr. Collier's opinion is founded, (they are marked No. 1;) also copies of the two additional affidavits of Robert John Taylor and Edward Roberts, made on Tuesday, and laid before the board on Wednesday, (marked No. 2;) also copies of the opinion of Mr Collier and Mr. Squarey's letter, and the answer of secretary of the board, (marked No. 3.) I beg to call your attention especially to the affidavits of William Passmore, Robert John Taylor, Edward Roberts, and A. S. Clare, as positive and direct, and making in my judgment as strong proof as can ordinarily be made in cases of this nature, and quite strong enough to justify the detention of the vessel, if there was any disposition to do it.

Copies of all these affidavits were made for Mr. Adams, and by him

submitted to Earl Russell. Mr. Squarey, with the consent of Mr. Adams, on Wednesday had an interview with Mr. Layard, the under-secretary of foreign affairs, showed him Mr. Collier s opinion, and made the request that the government would act promptly in the matter. I have not learned what decision has been finally made in the case. I hope for the best, but am quite prepared for the worst.

It is proper for me to remark that the question of security to the collector did not arise. The decision which was made turned upon the merits. I retained Mr. Collier in the case on Tuesday, and instructed him and Mr. Squarey, if the vessel was arrested, to institute proceedings immediately for her condemnation; Mr. Collier being of the opinion that this was necessary under the act, and that the collector would not be justified to hold her unless we took these steps.

I have done about all that I can do to stop this vessel; much more, I think, than this government ought to require any friendly government to do. My counsel say I can do no more. They think the evidence not only sufficient, but conclusive, in the preliminary proceedings to detain the vessel. Indeed, they both say that it is enough to secure her condemnation before any court.

I have procured a photographer to take her as she now lies in the dock. I will inclose a copy if received in time for this communication, and shall send another to Mr. Craven, the commander of the Tuscarora.

* * * * * * * * *

With high regard, I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

N. B.—Since writing the above, I have received a copy of letter from the collector to Mr. Squarey, my solicitor, announcing the decision of the board upon the case submitted to the collector. It is inclosed, marked No. 4. It is a strange decision, the last part. Mr. Squarey has called upon the collector, and asked him the meaning of this last paragraph; his response was, that this was copied from the letter addressed to him by the board. I am instructed by my counsel that I have no power to stop the vessel; that the power to detain her is lodged in the collector.

[Inclosures will be found with Mr. Adams's dispatch to Mr. Seward No. 196, July 25, 1862, *post.*]

Mr. Adams to Mr. Seward.

No. 196.] LEGATION OF THE UNITED STATES,
London, July 25, 1862.

SIR: Since the date of my dispatch (No. 187) of the 17th of July, I have to report that I received from Mr. Collier so decided an opinion in regard to the illegality of the proceedings at Liverpool, that I directed Mr. Dudley to proceed with the utmost vigor in the preparation of the necessary depositions to place before the collector of customs at Liverpool. I authorized him to act under professional advice, so that no mere omission of form could be made to avail against us. No time has been lost in getting up the papers and in submitting them in the proper quarter. For two days Mr. Dudley and his adviser, Mr. Squarey, have been in constant communication with me here, and all the measures taken by

them have been sanctioned by me. I am sorry to say that although the second opinion of Mr. Collier, based upon the depositions themselves, is so unequivocal, I have reasons to believe that they are not likely to be more effective to secure the detention of the ship by the collector than any former action.

Not to omit any step that could be imagined likely to avail, I have transmitted copies of all the papers to Lord Russell, with a request for action on the subject in his department. I now send copies of the same, with the exception of the affidavits, which Mr. Dudley will probably send, for your consideration. As yet I have no answer from Lord Russell. I am not sanguine of success, but it seems to me that the action taken is essential to complete the record. I have authorized Mr. Dudley and Mr. Morse to incur some liabilities in the process, which I hope will not be regarded as ill-judged. The Tuscarora has not yet left Southampton. I shall give Captain Craven directions to intercept the vessel, if possible, should she be permitted to depart.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For correspondence with the customs authorities at Liverpool, additional to that found with this dispatch, concerning the Alabama, see dispatch from Mr. Adams to Mr. Seward, No. 363, April 3, 1863, *post.*]

Opinion of R. P. Collier.

The accompanying copy of a statement, submitted by the American consul in Liverpool to her Majesty's collector of customs there, will furnish all the information which has at present been obtained relative to the fitting out of a vessel intended to be used as a privateer for the purposes of the Confederate States of America. It is believed that the vessel is now very nearly ready.

The American government are desirous of taking immediate steps, under the foreign enlistment act, 59 Geo. III, cap. 69, to seize the ship and get her condemned.

Mr. Collier, Queen's counsel, is requested to advise as to the proper course of proceeding under the circumstances.

"WESTERN CIRCUIT, *Winchester, July* 16, 1862.

"I think the evidence almost conclusive that the vessel in question is being fitted out by the Messrs. Laird as a privateer for the use of the confederate government, in contravention of the provisions of the foreign enlistment act, 59 Geo. III, cap. 69.

"As the matter is represented to me to be urgent, I advise that the principal officer of the customs at Liverpool be immediately applied to, under 59 Geo. III, cap. 69, to exercise the powers conferred upon him by that section to seize the vessel, with a view to her condemnation, an indemnity being given to him if he requires it. It would be proper at the same time to lay a statement of the fact before the secretary of state for foreign affairs, coupled with a request that her Majesty's government would direct the vessel to be seized, or ratify her seizure if it has been made.

"If the matter were not urgent I should advise no other steps being

taken until it was known whether or not the government thought fit to interfere; but inasmuch as the government might not unreasonably take some little time to determine what course to pursue, during which time the vessel might escape, I advise the more prompt remedy.

"R. P. COLLIER."

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, July 9, 1862.

SIR: In accordance with a suggestion of Earl Russell, in a communication to Mr. Adams, the American minister in London, I beg to lay before you the information and circumstances which have come to my knowledge relative to the gunboat being fitted out by Messrs. Laird, at Birkenhead, for the confederates of the southern United States of America, and intended to be used as a privateer against the United States.

On my arrival and taking charge of the consulate at Liverpool, in November last, my attention was called by the acting consul, and by other persons, to two gunboats being or to be fitted out for the so-called confederate government—the Oreto, fitted out by William C. Miller and Sons and Messrs. Fawcett, Preston and Co., and the one now in question. Subsequent events fully proved the suspicion, with regard to the Oreto, to be well founded. She cleared from Liverpool in March last for Palermo and Jamaica, but sailed direct for Nassau, where she now is receiving her armament as a privateer for the so-called confederate government. And my attention was called repeatedly to the gunboat building by Mr. Laird by various persons, who stated that she was also for a confederate privateer, and was being built by Messrs. Laird for that express purpose. In May last two officers of the southern privateer Sumter, named Caddy and Beaufort, passed through Liverpool on their way to Havana or Nassau; while here, stated that there was a gunboat building by Mr. Laird, at Birkenhead, for the southern confederacy, and not long after that a foreman, employed about the vessel in Messrs. Lairds' yard, stated that she was the sister of the Oreto, and intended for the same service; and, when pressed for an explanation, further stated that she was to be a privateer for the southern government in the United States.

When the vessel was first tried, Mr. Wellsman, one of the firm of Fraser, Trenholm and Co., (who are well known as agents for the confederate government) Andrew and Thomas Byrne, and other persons, well known as having been for months actively engaged in sending munitions of war for said government, were present, and have accompanied her on her various trials, as they had accompanied the Oreto on her trial trip and on her departure. In April last the southern screw steamer Annie Childs, which had run the blockade out of Charleston, and the name of which was changed at this port to the Julia Usher, was laden with munitions of war, consisting of a large quantity of powder, rifled cannon, &c., by Messrs. Fraser, Trenholm and Co., for the southern confederacy, and left Liverpool to run the blockade under the command of a Captain Hammer, and having on board several of the crew of the privateer Sumter, to which I have before referred. For some unknown reason this vessel came back, and is now here. Since her return a youth named Robinson, who had gone in her as a passenger, has stated that

the gunboat building at Laird's for the southern confederacy was a subject of frequent conversation among the officers while she (Julia Usher) was out, she was all the time spoken of as a confederate vessel, and that Captain Bullock was to command her. That the money for her was advanced by Fraser, Trenholm and Co. That she was not to make any attempt to run the blockade, but would go at once as a privateer. That she was to mount eleven guns. That if the Julia Usher were not going, the six men from the Sumter who were on board the Julia Usher were to join the gunboat. This youth, being a native of New Orleans, was extremely anxious to get taken on board the gunboat, and wished the persons he made the communication to, to assist him and see Captain Bullock on his behalf. He has, I understand, been removed to a school in London. With reference to his statement, I may observe that Captain Hammer referred to is a South Carolinian; has been many years in Fraser, Trenholm and Co.'s employ; is greatly trusted by them, and is also intimate with Captain Bullock, so that he would be likely to be well informed on the subject; and as he had no notion at that time of returning to Liverpool, he would have no hesitation in speaking of the matter to his officers and the persons from the Sumter. I may also state, the Captain Bullock referred to is in Liverpool; that he is an officer of the confederate navy; that he was sent over here for the express purpose of fitting out privateers and sending over munitions of war; that he transacts his business at the office of Fraser, Trenholm and Co.; that he has been all the time in communication with Fawcett, Preston and Co., who fitted out the Oreto, and with Lairds, who are fitting out this vessel; that he goes almost daily on board the gunboat, and seems to be recognized as in authority.

A Mr. Blair, of Paradise street, in this town, who furnished the cabins of the Laird gunboat, has also stated that all the fittings and furniture were selected by Captain Bullock, and were subject to his approval, although paid for by Mr. Laird.

The information on which I have formed an undoubting conviction that this vessel is being fitted out for the so-called confederate government, and is intended to cruise against the commerce of the United States, has come to me from a variety of sources, and I have detailed it to you as far as practicable.

I have given you the names of the persons making the statements; but as the information, in most cases, is given to me by persons out of friendly feeling to the United States and in strict confidence, I cannot state the names of my informants; but what I have stated is of such a character, that little inquiry will confirm its truth. Everything about the vessel shows her to be a war vessel; she has well-constructed magazines; she has a number of canisters of a peculiar and expensive construction, for containing powder; she has already platforms screwed to her decks for the reception of swivel guns. Indeed, the fact she is a war vessel is not denied by Messrs. Laird, but they say she is for the Spanish government. This they stated on the 3d April last, when General Burgoyne visited their yard, and was shown over it and the vessels being built there by Messrs. John Laird, jun., and Henry H. Laird, as was fully reported in the papers at the time. Seeing the statement, and having been already informed from so many respectable sources that she was for the so-called confederate government, I at once wrote to the minister in London to ascertain from the Spanish embassy whether the statement was true. The reply was a positive assurance that she was not for the Spanish government. I am therefore authorized in saying

that what was stated on that occasion, as well as statements since made, that she is for the Spanish government, are untrue.

I am satisfied, beyond a doubt, that she is for a confederate war vessel.

If you desire any personal explanation or information, I shall be happy to attend you whenever you may request it.

Very respectfully, I am your obedient servant,

THOMAS H. DUDLEY, *Consul.*

J. PRICE EDWARDS, Esq.,
Collector of Customs, Liverpool.

Mr. Edwards to Mr. Dudley.

CUSTOM-HOUSE,
Liverpool, July 10, 1862.

SIR: I beg to acknowledge the receipt of your communication of yesterday's date, (received this morning,) and to acquaint you that I shall immediately submit the same for the consideration and direction of the board of customs, under whom I have the honor to serve. I may observe, however, that I am respectfully of opinion that the statement made by you is not such as could be acted upon by the officers of this revenue, unless legally substantiated by evidence.

I have the honor to be, sir, your obedient servant,

J. PRICE EDWARDS, *Collector.*

CONSUL FOR THE UNITED STATES OF AMERICA.

Mr. Edwards to Mr. Dudley.

CUSTOM-HOUSE,
Liverpool, July 16, 1862.

SIR: With reference to my letter of the 10th instant, acknowledging your communication of the 9th, relative to the vessel built by Messrs. Laird, of Birkenhead, I have to acquaint you, that I am directed by the commissioners of her Majesty's customs to apprise you that their solicitor informs them that the details given by you in regard to the said vessel are not sufficient, in a legal point of view, to justify me in taking upon myself the responsibility of the detention of this ship.

I have the honor to be, sir, your most obedient servant,

J. PRICE EDWARDS, *Collector.*

T. H. DUDLEY, Esq., *&c., &c.*

Letter to the Collector at Liverpool.

No. 345.] CUSTOM-HOUSE,
London, July 15, 1862.

SIR: Having considered your report of the 10th instant, No. 1151, inclosing a communication which you had received from Mr. T. H. Dudley, American consul at Liverpool, apprising you of certain circumstances relative to a vessel which he states is now being fitted out by Messrs. Laird, at Birkenhead, as a gunboat for the so-called confederate government of the southern States of America, and intended to be used as a

privateer against the United States, and having communicated with our solicitor on the subject, we acquaint you that there does not appear to be prima facie proof sufficient in the statement of the consul to justify the seizure of the vessel, and you are to apprise the consul accordingly.

FREDERICK GOULBURN.
R. W. GREY.

Letter from the Collector of Customs, Liverpool, to the Commissioners of Customs, dated Liverpool, 21st July, 1862.

No. 1200.]

HONORABLE SIRS: The United States consul, accompanied by his solicitor, Mr. Squarey, has just been here with the witnesses, whose affidavits are inclosed, requesting me to seize the gunboat alluded to in your honor's order of the 15th instant, No. 345, upon the evidence adduced by him that the gunboat has been fitted out by Messrs. Laird, of Birkenhead, for the confederate government of the southern States.

The only evidence of importance, as appears to me, is that of William Passmore, who had engaged himself as a sailor to serve in the vessel.

I shall feel obliged by the board being pleased to instruct me, by telegraph, how I am to act, as the ship appears to be ready for sea, and may leave any hour she pleases.

Respectfully,

S. PRICE EDWARDS.

Nothing has been done to her since my former representation, nor has anything, besides coals, been placed in her.

S. P. E.

Letter from the Commissioner of Customs to the Collector of Customs, Liverpool, dated London, 22d July, 1862.

No. 353.]

SIR: Having considered your report of the 21st instant, No. 1200, stating, with reference to previous correspondence which has taken place on the subject of a gunboat which is being fitted out by Messrs. Laird, of Birkenhead, that the United States consul, accompanied by his solicitor, has attended at the custom-house with certain witnesses, whose affidavits you have taken and have submitted for our consideration, and has requested that the vessel may be seized, under the provisions of the foreign enlistment act, upon the ground that the evidence adduced affords proof that she is being fitted out for the government of the Confederate States of America, we acquaint you that we have communicated with our solicitor on the subject, who has advised us that the evidence submitted is not sufficient to justify any steps being taken against the vessel under either the 6th or 7th section of act 59, Geo. III, cap. 69, and you are to govern yourself accordingly.

The solicitor has, however, stated that if there should be sufficient evidence to satisfy a court of enlistment of individuals, they would be liable to pecuniary penalties, for security of which, if recovered, this department might detain the ship until those penalties are satisfied, or good bail given, but there is not sufficient evidence to require the customs to prosecute; it is, however, competent for the United States consul, or any other person, to do so, at their own risk, if they see fit.

T. F. FREMANTLE.
G. C. L. BERKELEY.

CUSTOM-HOUSE,
Liverpool, July 23, 1862.

SIR: With reference to your communication of the 21st instant, on the subject of a gunboat which is being fitted out by Messrs. Laird, of Birkenhead, and requesting that the ship might be seized under the foreign enlistment act, upon the ground that the evidence adduced affords proof that she has been fitted out for the Confederate States of America, I have it in command to acquaint you that the board have communicated with their solicitor on the subject, who has advised them that the evidence submitted is not sufficient to justify any steps being taken against the vessel under either the 6th or 7th section of the act 59th Geo. III., chap. 69.

It is, however, considered to be competent for the United States consul to act at his own risk if he should think fit.

I am, sir, your obedient servant,

J. PRICE EDWARDS.

A. F. SQUAREY, Esq.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 22, 1862.

MY LORD: I have the honor to transmit copies of six depositions taken at Liverpool, tending to establish the character and destination of the vessel to which I called your lordship's attention in my note of the 23d of June last. The orginals of these papers have already been submitted to the collector of the customs at that port, in accordance with the suggestions made in your lordship's note to me of the 4th of July, as the basis of an application to him to act under the powers conferred by the enlistment act. But I feel it to be my duty further to communicate the facts as there alleged to her Majesty's government, and to request that such further proceedings may be had as may carry into full effect the determination which I doubt not it ever entertained to prevent by all lawful means the fitting out of hostile expeditions against the government of a country with which it is at peace.

I avail myself of this opportunity to renew to your lordship the assurance of my highest consideration, and am, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Deposition of Thomas H. Dudley.

I, Thomas H. Dudley, of No. 3 Wellesley Terrace, Princess Park, in the borough of Liverpool, the county of Lancaster, esquire, affirm, and say as follows:

1. I am the consul of the United States of North America, for the port of Liverpool and its dependencies.

2. In the month of July, in the year one thousand eight hundred and sixty-one, information was sent by the United States government to the United States consulate at Liverpool, that a Mr. James D. Bullock, of Savannah, in the State of Georgia, who was formerly the master of an American steamer called the Catawba, was reported to have left the United States for England, taking with him a credit for a large sum of

money, to be employed in fitting out privateers, and also several commissions issued by the southern Confederate States for such privateers; and in the month of August, one thousand eight hundred and sixty-one, information was sent by the United States government to the United States consulate at Liverpool, that the said Captain Bullock was then residing near Liverpool, and acting as the agent of the said Confederate States in Liverpool and London.

3. In accordance with instructions received from the government of the United States, steps have been taken to obtain information as to the proceedings and movements of the said J. D. Bullock, and I have ascertained the following circumstances, all of which I verily believe to be true, namely: That the said J. D. Bullock is in constant communication with parties in Liverpool who are known to be connected with, and acting for, the parties who have assumed the government of the Confederate States; that the said J. D. Bullock, after remaining for some time in England, left the country, and after an absence of several weeks, returned to Liverpool in the month of March last from Charleston, in the State of South Carolina, one of the seceded States, in a screw-steamer then called the Annie Childs, which had broken the blockade of the port of Charleston, then and now maintained by the United States Navy, and which vessel, the Annie Childs, carried the flag of the Confederate States as she came up the Mersey; that shortly after the arrival of the said J. D. Bullock at Liverpool in the Annie Childs, as above mentioned, he again sailed from Liverpool in a new gunboat called the Oreto, built at Liverpool by Messrs. W. C. Miller & Sons, shipbuilders, and completed in the early part of the present year, and which gunboat, the Oreto, though she cleared from Liverpool for Palermo and Jamaica, in reality never went to those places, but proceeded to Nassau, New Providence, to take on board guns and arms, with a view to her being used as a privateer or vessel of war under a commission from the so-called confederate government against the government of the United States, and which said vessel, the Oreto, is stated to have been lately seized at Nassau by the commander of her Majesty's ship Greyhound; that the said J. D. Bullock has since returned again to Liverpool, and that before he left Liverpool, and since he returned, he has taken an active part in superintending the building, equipment, and fitting-out of another steam gunboat, known as No. 290, which has lately been launched by Messrs. Laird & Co., of Birkenhead, and which is now lying, as I am informed and believe, ready for sea in the Birkenhead docks, with a large quantity of provisions and stores and thirty men on board; that the said J. D. Bullock is going out in the said gunboat No. 290, which is nominally commanded by one Matthew J. Butcher, who, I am informed, is well acquainted with the navigation of the American coast, having formerly been engaged in the coasting trade between New York, Charleston, and Nassau.

4. From the circumstances which have come to my knowledge, I verily believe that the said gunboat No. 290, is being equipped and fitted out as a privateer or vessel of war, to serve under a commission to be issued by the government of the so-called Confederate States, and that the said vessel will be employed in the service of the said Confederate States to cruise and commit hostilities against the government and people of the United States of North America.

T. H. DUDLEY.

Sworn before me, at the custom-house, Liverpool, the 21st July, 1862.

J. PRICE EDWARDS, *Collector.*

Deposition of Matthew Maguire.

I, Matthew Maguire, of Liverpool, agent, make oath and say as follows:

1. I know Captain J. D. Bullock, who is commonly reputed to be the agent of the Confederate States of America at Liverpool.

2. I have seen the said J. D. Bullock several times at the yard of Messrs. Laird & Co. at Birkenhead, where a gunboat known as No. 290 has lately been built, while the building of the said vessel has been going on.

3. On the 2d day of July now instant, I saw the said J. D. Bullock on board the said vessel at Messrs. Laird & Co.'s yard. He appeared to be giving orders to the workmen who were employed about such vessel.

MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, 21st July, 1862.

J. PRICE EDWARDS,
Collector.

Deposition of Allen Stanley Clare.

I, Allan Stanley Clare, of Liverpool, in the county of Lancaster, articled clerk, make oath and say as follows:

On the 21st July now instant, I examined the book at the Birkenhead dockmaster's office at Birkenhead, containing a list of all vessels which enter the Birkenhead docks, and I found in such book an entry of a vessel described as "Number Two Hundred and Ninety," and from the entries in said book in reference to such vessel, it appears that she is a screw steamer, and that her registered tonnage is five hundred tons, and that Matthew J. Butcher is her master.

A. S. CLARE.

Sworn before me at the custom-house, Liverpool, 21st July, 1862.

J. PRICE EDWARDS,
Collector.

Deposition of John de Costa.

I, John de Costa, of No. 8 Waterloo Road, Liverpool, shipping master, make oath and say as follows:

1. I know and have for several months known by sight Captain Bullock, who is very generally known in Liverpool as an agent or commissioner of the Confederate States in America.

2. In the month of March last I saw the screw-steamer Annie Childs, which had run the blockade from Charleston, enter the river Mersey. She came up the Mersey with the confederate flag flying at her peak, and I saw the Oreto, a new gunboat which had been recently built by Messrs. W. C. Miller & Sons, and which was then lying at anchor in the river off Egremont, dip her colors three times in acknowledgment of the Annie Childs, which vessel returned the compliment, and a boat was immediately afterwards dispatched from the Annie Childs to the Oreto, with several persons on board besides the men who were at the oars.

3. On the 22d day of March last I was on the North Landing stage, between seven and eight o'clock in the morning. I saw the said Captain

Bullock go on board a tender which afterwards took him off to the said gunboat Oreto, which was then lying in the Sloyne. Just before he got on board the tender he shook hands with a gentleman who was with him, and said to him, "This day six weeks you will get a letter from me from Charleston," or words to that effect.

4. On the same day, between eleven and twelve o'clock, as well as I can remember, I saw the Oreto go to sea. She came well in on the Liverpool side of the river, and from the Prince's pier-head, where I was standing, I distinctly saw the said Captain Bullock on board her with a person who had been previously pointed out to me by a fireman who came to Liverpool in the Annie Childs, as a Charleston pilot, who had come over in the Annie Childs with Captain Bullock, to take the gunboat out.

JOHN DE COSTA.

Sworn before me at the custom-house, Liverpool, the 21st July, 1862.

J. PRICE EDWARDS,
Collector.

Depositions of Henry Wilding and Matthew Maguire.

We, Henry Wilding, of Liverpool, in the county of Lancaster, gentleman, and Matthew Maguire, of Liverpool aforesaid, agent, make oath and say as follows:

1. I, the said Matthew Maguire, for myself say that, on the 15th day of July now instant, I took —— Brogan, whom I know to be an apprentice working in the ship-building yard of Messrs. Laird & Co., at Birkenhead, to the above-named deponent, Henry Wilding, at his residence at New Brighton.

2. And I, the said Henry Wilding, for myself say as follows: I am the vice-consul of the United States of North America at Liverpool.

3. On the 15th of July now instant, I saw the said —— Brogan, and examined him in reference to a gunboat which I heard was being built by the said Messrs. Laird & Co. for the so-called confederate government; and the said —— Brogan then informed me that the said vessel was built to carry four guns on each side, and four swivel guns; that Captain Bullock had at one time, when the vessel was in progress, come to the yard almost every day to select the timber to be used for the vessel; that the said Captain Bullock was to be the captain of the said vessel, and that the said Captain Bullock had asked the said —— Brogan to go as carpenter's mate in the said vessel for three years, which the said —— Brogan had declined to do, because Mr. Laird, who was present at the time, would not guarantee his wages; that the said vessel was to carry one hundred and twenty men, and that thirty able seamen were already engaged for her; that the petty officers for the said vessel were to be engaged for three years, and the seamen for five months; that the said vessel was then at the end of the new warehouses in the Birkenhead docks, and that it was understood she was to take her guns on board at Messrs. Laird & Co.'s shed further up the dock; and that it was generally understood by the men in Messrs. Laird & Co.'s yard that the said vessel was being built for the confederate government.

4. The vessel above mentioned is the same which is now known as No. 290, and I verily believe that the said vessel is in fact intended to

be used as a privateer, or vessel of war, under a commission from the so-called confederate government, against the United States government.

HENRY WILDING.
MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, the 21st July, 1862.
J. PRICE EDWARDS,
Collector.

Deposition of William Passmore.

I, William Passmore, of Birkenhead, in the county of Chester, mariner, make oath and say as follows:

1. I am a seaman, and have served as such on board her Majesty's ship Terrible during the Crimean war.

2. Having been informed that hands were wanted for a fighting vessel built by Messrs Laird & Co., of Birkenhead, I applied on Saturday, which was I believe the 21st day of June last, to Captain Butcher, who, I was informed, was engaging men for the said vessel, for a berth on board her.

3. Captain Butcher asked me if I knew where the vessel was going. In reply to which I told him I did not rightly understand about it. He then told me the vessel was going out to the government of the Confederate States of America. I asked him if there would be any fighting; to which he replied yes; they are going to fight for the southern government. I told him I had been used to fighting vessels, and showed him my papers. I asked him to make me signal man on board the vessel, and, in reply, he said that no articles would be signed until the vessel got outside, but he would make me signal man if they required one when they got outside.

4. The said Captain Butcher then engaged me as an able seaman on board the said vessel at the wages of £4 10*s.* per month; and it was arranged that I should join the ship in Messrs. Laird & Co.'s yard on the following Monday. To enable me to get on board, Captain Butcher gave me as a password the number "290."

5. On the following Monday, which was I believe the 23d day of June last, I joined the said vessel in Messrs. Laird & Co.'s yard at Birkenhead, and I remained by her until Saturday last.

6. The said vessel is a screw steamer of about 1,100 tons burden, as far as I can judge, and is built and fitted up as a fighting ship in all respects. She has a magazine, and shot and canister racks on deck, and is pierced for guns, the sockets for the bolts for which are laid down. The said vessel has a large quantity of stores and provisions on board, and she is now lying at the Victoria wharf, in the great float at Birkenhead, where she has taken in about three hundred tons of coal.

7. There are now about thirty hands on board her, who have been engaged to go out in her. Most of them are men who have previously served on board fighting ships, and one of them is a man who served on board the confederate steamer Sumter. It is well known by the hands on board that the vessel is going out as a privateer for the confederate government, to act against the United States, under a commission from Mr. Jefferson Davis. Three of the crew are, I believe, engineers, and there are also some firemen on board.

8. Captain Butcher and another gentleman have been on board the

ship almost every day. It is reported on board the ship that Captain Butcher is to be the sailing-master, and that the other gentleman, whose name I believe is Bullock, is to be the fighting captain.

9. To the best of my information and belief, the above-mentioned vessel, which I have heard is to be called the Florida, is being equipped and fitted out in order that she may be employed in the service of the confederate government in America, to cruise and commit hostilities against the government and people of the United States of America.

WILLIAM PASSMORE.

Sworn before me, at the custom-house, Liverpool, this 21st day of July, 1862.

J. PRICE EDWARDS, *Collector.*

[The above affidavits were made before and submitted to the collector of customs at Liverpool, on 21st day of July, 1862, at the suggestion of Earl Russell, in his letter to Mr. Adams, of July 4, 1862, by the attorney of the United States consul, A. F. Squarey, esq., who read the portions of the foreign enlistment act applicable to said case to the collector, and requested him to detain the vessel. The collector replied that he should refer the matter to the board of customs at London.]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 24, 1862.

MY LORD: In order that I may complete the evidence in the case of the vessel now fitting out at Liverpool, I have the honor to submit to your lordship's consideration the copies of two more depositions taken respecting that subject.

In the view which I have taken of this extraordinary proceeding as a violation of the enlistment act, I am happy to find myself sustained by the opinion of an eminent lawyer of Great Britain, a copy of which I do myself the honor likewise to submit.

Renewing to your lordship the assurances of my highest consideration, I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Deposition of Edward Roberts.

I, Edward Roberts, of No. 6 Vere street, Toxteth Park, in the county of Lancaster, ship carpenter, make oath and say as follows:

1. I am a ship carpenter, and have been at sea for about four years in that capacity.

2. About the beginning of June last I had been out of employ for about two months, and hearing that there was a vessel in Messrs. Laird & Co.'s yard fitting out to run the blockade, I applied to Mr. Barnett, shipping-master, to get me shipped on board the said vessel.

3. On Thursday, the 19th day of June last, I went to the said Mr. Barnett's office, No. 11 Hanover street, Liverpool, in the county of Lancaster, and was engaged for the said vessel as carpenter's mate. By the

direction of the said Mr. Barnett I met Captain Butcher the same day on the George's landing stage, and followed him to Messrs. Laird & Co.'s ship-building yard, and on board a vessel lying there. The said Captain Butcher spoke to the boatswain about me, and I received my orders from the said boatswain. At dinner time the same day, as I left the yard the gateman asked me if I was "going to work on that gun-boat;" to which I replied, "Yes."

4. The said vessel is now lying in the Birkenhead float, and is known by the name "No. 290." The said vessel has coal and stores on board. The said vessel is pierced for guns, I think four on a side, and a swivel gun. The said vessel is fitted with shot and canister racks, and has a magazine. There are about fifty men, all told, now on board the said vessel. It is generally understood on board of the said vessel that she is going to Nassau for the southern government.

5. I know Captain Bullock by sight, and have seen him on board of the said vessel five or six times; I have seen him go round the said vessel with Captain Butcher. I understood, both at Messrs. Laird & Co.'s yard and also on board the said vessel, that the said Captain Bullock was the owner of the said vessel.

6. I have been working on board the said vessel from the 19th day of June last up to the present time, with wages at the rate of 6*l.* per month, payable weekly. I have signed no articles or agreement. The talk on board is that an agreement will be signed before sailing.

EDWARD ROBERTS.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me.

WM. BROWN,
Justice of the Peace for Lancashire and Liverpool.

Deposition of Robert John Taylor.

I, Robert John Taylor, of Mobile, but at present remaining temporarily at Liverpool, mariner, make oath and say as follows:

1. I am a native of London, and forty-one years of age. From fourteen years upward I have followed the sea. During the last fifteen years I have been living in the Confederate States of America, principally at Savannah and Mobile, and since the secession movement I have been engaged in running the blockade. I have run the blockade six times, and been captured once.

2. The vessels in which I have been engaged in running the blockade have sailed from Mobile, and have gone to Havana and New Orleans. I am well acquainted with the whole of the coast of the Confederate States, as I have been principally engaged since 1847 in trading to and from the Gulf ports.

3. I came to England after my release from Fort Warren on the 29th of May last. I came here with the intention of going to the southern States, as I could not get there from Boston.

4. Mr. Rickarby, of Liverpool, a brother of the owner, at Mobile, of the vessel in which I was captured when attempting to run the blockade, gave me instructions to go to Captain Butcher, at Lairds' yard, Birkenhead. I had previously called on Mr. Rickarby, and told him that I wanted to go South, as the northerners had robbed me of my clothes when I was captured, and I wanted to have satisfaction.

5. I first saw Captain Butcher at one of Mr. Laird's offices last Thursday fortnight (namely, the 3d of July last.) I told him that I had been sent by Mr. Rickarby, and asked him if he were the captain of the vessel which was lying in the dock. I told him that I was one of the men that had been captured in one of Mr. Rickarby's vessels, and that I wanted to get South in order to have retaliation of the northerners for robbing me of my clothes. He said that if I went with him in his vessel I should very shortly have that opportunity.

6. Captain Butcher asked me at the interview if I was well acquainted with the Gulf ports, and I told him I was. I asked him what port he was going to, and he replied that he could not tell me then, but that there would be an agreement made before we left for sea. I inquired as to the rate of wages, and I was to get four pounds ten shillings per month, payable weekly.

7. I then inquired if I might consider myself engaged, and he replied, yes, and that I might go on board the next day, which I accordingly did; and I have been working on board up to last Saturday night.

8. I was at the siege of Acre in 1840, in her Majesty's frigate Pique, Captain Edward Boxer, and served on board for nine months. Captain Butcher's ship is pierced for eight broadside guns and four swivels or long-toms. Her magazine is complete, and she is fitted up in all respects as a man-of-war, without her ammunition. She is now chock full of coals, and has, in addition to those in the hold, some thirty tons on deck.

9. One day, whilst engaged in heaving up some of the machinery, we were singing a song, as seamen generally do, when the boatswain told us to stop that, as the ship was not a merchant ship, but a man-of-war.

ROBERT JOHN TAYLOR.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me.

W. J. LAMPORT,
Justice of the Peace for Liverpoool.

Opinion of R. P. Collier.

CASE.

JULY 23, 1868.

You will receive herewith copies of the following affidavits in reference to a gunboat known as No. 290, which was built by Messrs. Laird & Co., at Birkenhead, as it is believed, for the Confederate States of America, and which is now lying ready for sea in all respects in the Birkenhead docks.

No. 1. Affirmation of T. H. Dudley.
No. 2. Affidavit of I. DeCosta.
No. 3. Affidavit of M. Maguire.
No. 4. Affidavit of Hy. Wilding and M. Maguire.
No. 5. Affidavit of A. S. Clare.
No. 6. Affidavit of Wm. Passmore.
No. 7. Affidavit of Edward Roberts.
No. 8. Affidavit of Robt. John Taylor.

An application has been made, on the affidavits Nos. 1 to 6, inclusive, to the collector of customs at Liverpool, to detain the vessel under the provisions of the act 59 Geo. III, cap. 69, but under the advice of the

solicitors to the customs the board have declined to sanction the detention of the vessel.

You are requested to advise the consul for the United States at Liverpool whether the affidavits now submitted to you disclose facts which would justify the collector of customs in detaining the vessel under the act in question.

OPINION.

TEMPLE, *July* 23, 1862.

I have perused the above affidavits, and I am of opinion that the collector of customs would be justified in detaining the vessel. Indeed, I should think it is duty to detain her, and that if, after the application which has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility of which the board of customs, under whose direction he appears to be acting, must take their share.

It appears difficult to make out a stronger case of infringement of the foreign enlistment act, which, if not enforced on this occasion, is little better than a dead letter.

It well deserves consideration whether, if the vessel be allowed to escape, the federal government would not have serious grounds of remonstrance.

R. P. COLLIER.

Mr. Squarey to Mr. Adams.

TAVISTOCK HOTEL, COVENT GARDEN,
London, W. C., July 23, 1862.

SIR: I beg to inform you that I saw Mr. Layard at the Foreign Office after leaving you this afternoon, and ascertained from him that the papers forwarded by you in reference to the gunboat No. 290 were submitted yesterday to the law officers of the Crown for their opinion. The opinion had not, up to the time of my seeing Mr. Layard, been received, but he promised, on my representation of the extreme urgency of the case, to send for it at once. Mr. Layard was not disposed to discuss the matter, nor did he read Mr. Collier's opinion.

I now inclose a copy of the case with Mr. Collier's opinion, and a copy of the letter which I have addressed this afternoon to the secretary of the board of customs.

I have the honor to be, &c.,

A. F. SQUAREY.

His Excellency THE AMERICAN MINISTER,
5 Portland Place.

Mr. Squarey to Board of Customs.

TAVISTOCK HOTEL, COVENT GARDEN,
London July 23, 1862.

SIR: Referring to an application which I made on behalf of the United States government, under the instructions of their consul at Liverpool, to the collector of customs at Liverpool, on Monday last, for the detention, under the provisions of the act 59 Geo. III, cap. 69, of a steam gunboat, built by Messrs. Laird & Co., at Birkenhead, and which,

there is no doubt, is intended for the Confederate States, to be used as a vessel of war against the United States government, I beg now to inclose two affidavits which reached me this morning from Liverpool, one made by Robert John Taylor, and the other by Edward Roberts, and which furnish additional proof of the character of the vessel in question.

I also inclose a case which has been submitted to Mr. Collier, Q. C., with his opinion thereon.

I learned this morning from Mr. O'Dowd, that instructions were forwarded yesterday to the collector at Liverpool not to exercise the powers of the act in this instance, it being considered that the facts disclosed in the affidavits made before him were not sufficient to justify the collector in seizing the vessel.

On behalf of the government of the United States, I now respectfully request that this matter, which I need not point out to you involves consequences of the greatest possible description, may be reconsidered by the board of customs, on the further evidence now adduced.

The gunboat now lies in Birkenhead docks ready for sea in all respects, with a crew of fifty men on board. She may sail at any time, and I trust the urgency of the case will excuse the course I have adopted of sending these papers direct to the board, instead of transmitting them through the collector at Liverpool, and the request, which I now venture to make, that the matter may receive immediate attention.

I have the honor to be, your obedient servant,

A. F. SQUAREY.

Secretary of H. M. Board of Customs, London.

CUSTOM-HOUSE, *July* 24, 1862.

SIR: In acknowledging the receipt of your letter, which only reached me at a quarter to four o'clock on the afternoon of yesterday, respecting the gunboat which is stated to be fitting out at Liverpool for the so-called Confederate States of America, I beg to inform you that I brought the same without delay before the board of customs, by whom I am desired to acquaint you, that they immediately reported all the circumstances to the lords commissioners of her Majesty's treasury for their lordships' directions.

I am, sir, your most obedient servant,

J. G. GARDNER, *Secretary.*

Mr. Squarey to Mr. Adams.

TAVISTOCK HOTEL, COVENT GARDEN,
London, July 25, 1862.

GUNBOAT "NO. 290."

SIR: I have further to report to you on this matter that I have again seen Mr. O'Dowd, the solicitor to the board of customs, who informs me that on receipt of my letter addressed to the secretary yesterday, the board resolved to refer the matter to the law officers of the Crown, by whose opinion they would be guided as to seizing the vessel.

I have the honor to be, sir, your obedient servant,

A. F. SQUAREY.

His Excellency THE AMERICAN MINISTER.

LIVERPOOL, *July* 26, 1862.

GUNBOAT "No. 290."

SIR: I am directed to call your attention to this matter. The further affidavits were forwarded to you on the 23d instant, and I had hoped that, ere this, the decision of the lords commissioners of her Majesty's treasury might have been made known, particularly as every day affords opportunities for the vessel in question to take her departure.

I am, sir, your obedient servant,

A. F. SQUAREY.

J. G. GARDNER, Esq.,
Secretary to her Majesty's Customs, Custom-House, London.

CUSTOM-HOUSE,
London, July 28, 1862.

SIR: Having submitted to the commissioners of her Majesty's customs your letter of the 26th instant, referring to previous correspondence, on the subject of a gunboat which is stated to be fitting out at Liverpool for the so-called Confederate States of America, and stating that you had hoped that ere this the decision of the lords commissioners of her Majesty's treasury on the subject might have been made known, I am desired to acquaint you, that in the absence of instructions from their lordships, the board are unable to give any directions in regard to the gunboat in question.

I am, sir, your most obedient servant,

J. G. GARDNER, *Secretary.*

DUNCANS, SQUAREY & BLACKMORE,
10 *Water Street, Liverpool.*

F. G. GARDNER, Esq.,
Secretary to her Majesty's Commissioners of Customs,
Custom-house, London:

The vessel "No. 290," came out of dock last night and left the port this morning.

LIVERPOOL, *July* 29, 1862.

"No. 290."

SIR: We telegraphed you this morning that the above vessel was leaving Liverpool. She came out of dock last night and steamed down the river between 10 and 11 a. m.

We have reason to believe she has gone to Queenstown.

Yours, obediently,

DUNCANS, SQUAREY & BLACKMORE.

J. G. GARDNER, Esq.,
Secretary to her Majesty's Commissioners of Customs,
Custom-house, London.

CUSTOM-HOUSE, *London*, *July* 30, 1862.

GENTLEMEN: I am desired by the commissioners of her Majesty's customs to acknowledge the receipt yesterday of your telegraphic message, apprising me of the departure from Liverpool of the gunboat stated to have been fitted out for the so-called Confederate States of America; also your letter of yesterday's date, stating that you have reason to believe that the vessel in question has gone to Queenstown, and I am to acquaint you that by direction of the board, the substance of your telegram was immediately on its receipt communicated to the lords commissioners of her Majesty's treasury, and that the same course has been adopted in regard to your letter received this morning.

I am, gentlemen, your most obedient servant,

GEO. DICKINS, *Assistant Secretary.*

Mr. Dudley to Mr. Seward.

No. 97.] UNITED STATES CONSULATE,
Liverpool, *July* 26, 1862.

SIR: Inclosed find copy of affidavit of the boatswain of the gunboat No. 290. No information as yet of the decision of the authorities upon our application to stop her sailing.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Deposition of Henry Redden.

I, Henry Redden, of Hook street, Liverpool, in the county of Lancaster, seaman, make oath and say as follows:

1. I am a seaman, and have followed the sea for fifteen years. I have been boatswain on board both steamers and sailing vessels, and belong to the naval reserve.

2. About six weeks ago I was engaged by Captain Butcher, (with whom I have previously sailed,) as boatswain on board a vessel then in Messrs. Laird & Co.'s shipbuilding yard, but now lying in the Birkenhead float, and known by the name "290." The said Captain Butcher offered me ten pounds per month, and said an agreement should be signed when we got outside. He told me that we should have plenty of money when we got home, as we were going out to the southern States on a speculation to try and get some.

3. The crew now on board the said vessel consists of about forty men, but I believe that she will take to sea about one hundred men all told. It is generally understood on board that she will clear for Nassau, but not make that port. The said vessel has all her stores and coals on board ready for sea. She is fitted in all respects as a man-of-war to carry six broadside guns and four pivots, but has no guns or ammunition on board as yet. The rules on board are similar to those in use on a man-of-war, and the men are not allowed to sing as they do on a merchantman. The call is used on board. The said vessel is of about eleven hundred tons.

4. I know Captain Bullock; he has been superintending the building

of the said vessel in Messrs. Laird & Co.'s yard, and is, I believe, to take charge of the vessel when we get outside.

5. It is generally understood on board the said vessel that she belongs to the confederate government.

HENRY REDDEN.

Sworn, this 24th day of July, 1862, before me,

JOHN STEWART,
Justice of the Peace for the County of Lancaster.

[From British Blue Book, "North America," No. 3, 1863, p. 9.]

No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE,
July 28, 1862.

SIR: I have the honor to acknowledge the receipt of your letters of the 22d and 24th instant, relative to the vessel alleged to be fitting out at Liverpool for the service of the so-styled Confederate States; and I am to state to you, in reply, that these papers have been referred to the law officers of the Crown.

I am, &c.,

RUSSELL.

[Memorandum, apparently from Foreign Office.]

JULY 31, 1862, AT ABOUT 7½ P. M.

Telegrams were sent to the collectors at Liverpool and Cork, pursuant to treasury order, dated 31st July, to seize the gunboat (290) should she be within either of those ports.

Similar telegrams to the officers at Beaumaris and Holyhead were sent on the morning of the 1st August. They were not sent on the 31st July, the telegraph offices to those districts being closed.

And on the 2d August a letter was also sent to the collector at Cork, to detain the vessel should she arrive at Queenstown.

Mr. Dudley to Mr. Seward.

No. 99.] UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: The steamer No. 290 sailed yesterday at about eleven o'clock in forenoon. Orders were given to the men to be on board on Monday evening at six o'clock. I much regret my inability to procure a photograph of her. She lay in with other vessels in such manner that it could not be obtained. I could not complete a satisfactory arrangement with the man referred to in No. 95, to go out in her. I am told there is a man on board by name of John Readdy, from one of the New England States, (he has signed his name Jack Readdy,) who can be procured as a witness at any port she may go to. She left the port without a register or clearance from the custom-house. After she had steamed out of the

river, I sent one of my clerks to the custom-house to ascertain if she had been registered or cleared. They informed him that she had not, and that it was not necessary. I do not understand this. It would seem as if all vessels for the rebels, and to carry munitions of war and aid to them, were privileged at this port; at least every facility for their departure and conducting their operations is extended to them. I have not been able to ascertain any reliable information as to her movements. One report is that she has gone out on a trial trip, and will return into port; another that she has gone to Queenstown, a third that she has taken her final departure, and will go direct to the place where she is to receive her armament. I think she will go to Nassau to receive her armament. That seemed to be understood among the crew, but it is possible that this was told them to mislead them or me. I am satisfied that her guns are not on, and that she will have to go to some place or port to get them.

Since writing the above, one of my men has called to say, that the steam-tug Hercules is at the Birkenhead ferry taking on men, beams for gun carriages, and other things for this vessel. That she is now off Cape Lynas waiting for the tug. That during the whole of last night she has been receiving gunpowder on board, and that she has six of her guns below deck. I have telegraphed this news to Mr. Adams, and called myself in person with my informant on the collector of the port and gave him the information. I am now preparing a formal letter to the collector. One of the persons interested stated that they would go to a Spanish port. I shall address notes to all the consuls to-day at Spanish ports. I will inclose you a copy of my letter to collector during the day.

I have the honor to be, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

It is now ascertained that she will not return to this port unless she meets with an accident. A copy of letter is inclosed.

Mr. Dudley to the Collector of Customs.

UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: Referring to my previous communications to you on the subject of the gunboat No. 290, fitted out by Mr. Laird, at Birkenhead, I beg now to inform you that she left the Birkenhead dock on Monday night, and yesterday morning left the river accompanied by the steam-tug Hercules.

The Hercules returned last evening, and her master says that the gunboat was cruising off Port Lynas; that she had six guns on board concealed below, and was taking powder from another vessel. The Hercules is now alongside the Woodside Landing stage taking on board men, (forty or fifty,) beams, evidently for gun carriages, and other things to convey down to the gunboat. A quantity of cutlasses were taken on board on Friday last.

The circumstances all go to confirm the representations heretofore made to you about this vessel, in the face of which I cannot but regret

she has been permitted to leave the port; and I report them to you, that you may take such steps as you may deem necessary to prevent this flagrant violation of neutrality.

Respectfully, I am your obedient servant,

THOMAS H. DUDLEY,
Consul.

The COLLECTOR OF CUSTOMS, *Liverpool.*

Mr. Adams to Mr. Seward.

No. 199.] LEGATION OF THE UNITED STATES,
London, July 31, 1862.

SIR: You must long before this have received all the information respecting the Laird gunboat, No. 290, for which you ask in your dispatch No. 299, of the 12th of July. It only remains for me to continue the narrative of that transaction down to this date. In spite of all my efforts and remonstrances, which as yet wait the opinion of the law officers of the Crown, I received on the 29th instant from Mr. Dudley, the consul at Liverpool, the news that she sailed without register or clearance from that port on that day. I immediately communicated the intelligence by telegraph to Captain Craven, at Southampton. I learn from the consul at that place that the Tuscarora sailed from thence at 8 p. m. on the 29th instant. Should the captain be so fortunate as to encounter the vessel on the high seas, I have every reason to believe that he will attempt her capture. But I have given him no instructions how far to pursue her, or what to do in case of failure. In these respects he is left entirely to his own discretion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 201.] LEGATION OF THE UNITED STATES,
London, August 1, 1862.

SIR: Yesterday I had a conference with Lord Russell at the foreign office, in the course of which I went over the various subjects whereupon I had received instructions in your late dispatches.

* * * * * * * *

2. I read to his lordship the substance of your dispatches Nos. 281 and 299 respecting the use made of the island of Nassau by the rebels, and the fitting out of the gunboats Oreto and 290. His lordship first took up the case of 290, and remarked that a delay in determining upon it had most unexpectedly been caused by the sudden development of a malady of the Queen's advocate, Sir John D. Harding, totally incapacitating him for the transaction of business. This had made it necessary to call in other parties, whose opinion had been at last given for the detention of the gunboat, but before the order got down to Liverpool the vessel was gone. He should, however, send directions to have her

stopped if she went, as was probable, to Nassau. I said I was aware that the gunboat was off, but I did not say, what I myself have little doubt of, that her sudden departure was occasioned by a notion, obtained somehow or other, that such a proceeding was impending. I added an expression of satisfaction that the law officers of the Crown had seen their way to give such an opinion, and that it was the disposition of her Majesty's government to do something to check this outrageous abuse. In this connection I begged to ask if he had any information respecting the proceedings had at Nassau in the case of the Oreto. I had seen a statement in the newspapers, additional to the information contained in the dispatch No. 281, which I read to him, to the effect that the Oreto had been actually stopped and put under the guns of her Majesty's ship the Greyhound. I hoped this was true, for I thought the effect of such a proceeding would be very favorably viewed in America. His lordship replied that he had received no information on the subject beyond what I had referred to, which came from the American newspapers.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Dispatch from Mr. Seward to Mr. Adams, No. 281, June 26, 1862, printed under the head of "Rebel Cruisers," subdivision "The Florida," Vol. II, p. 607.]

Mr. Dudley to Mr. Seward.

[Extract.]

No. 101.] UNITED STATES CONSULATE,
Liverpool, August 1, 1862.

SIR: * * * * * * * *

I inclose you, marked No. 2, some additional correspondence between my solicitor, Mr. Squarey, and the secretary of the board of customs in London, relative to the gunboat No. 290. * * * * * *
Also, marked No. 4, slip cut from Daily Post of this day, about this vessel and the Oreto. I have sent Mr. Adams, our minister at London, copies of these, and of all the other papers in this case. The steamer No. 290 put into Holyhead on Wednesday night, and remained until 2 o'clock the next morning, when she started out to sea. She was cruising about off Point Lynas during yesterday. The United States steamer Tuscarora put in at Queenstown yesterday afternoon.

I have the honor to be, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

No. 2.

DUNCANS, SQUAREY & BLACKMORE,
10 *Water street, Liverpool.*

F. G. GARDNER, Esq.,
Secretary to her Majesty's Commissioners of Customs,
Custom-house, London:

The vessel No. 290 came out of dock last night, and left the port this morning.

"No. 290."

LIVERPOOL, *July* 29, 1862.

SIR: We telegraphed you this morning that the above vessel was leaving Liverpool. She came out of dock last night, and steamed down the river between 10 and 11 a. m.

We have reason to believe she has gone to Queenstown.

Yours, obediently,

DUNCANS, SQUAREY & BLACKMORE.

F. G. GARDNER, Esq.,
Secretary to her Majesty's Commissioners of Customs,
Custom-house, London.

CUSTOM-HOUSE,
London, July 30, 1862.

GENTLEMEN: I am desired by the commissioners of her Majesty's customs to acknowledge the receipt yesterday of your telegraphic message, apprising me of the departure from Liverpool of the gunboat stated to have been fitted out for the so-called Confederate States of America; also your letter of yesterday's date stating that you have reason to believe that the vessel in question has gone to Queenstown; and I am to acquaint you that, by direction of the board, the substance of your telegram was, immediately on its receipt, communicated to the lords commissioners of her Majesty's treasury, and that the same course has been adopted in regard to your letter received this morning.

I am, gentlemen, your most obedient servant,

GEORGE DICKINS,
Assistant Secretary.

No. 4.

[From "Liverpool Daily Post," of August 1, 1862.]

NEW STEAMER FOR THE CONFEDERATES.

Some time since the steamship Oreto left the Mersey ostensibly for the Mediterranean, but her destination was Nassau, where she was to be fitted out as a man-of-war for the confederate service. Later advices from Nassau now show that she has been seized by order of the court of admiralty for alleged infringement of the foreign enlistment act. Not deterred by this mishap, another new steamship, "290," so she is called, left the Birkenhead docks this week, either for Nassau or Havana, and waited off Tuskar for the steam-tug Hercules, which left Liverpool for the "290" with fifty men.

Mr. Dudley to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,
Liverpool, August 6, 1862.

SIR: * * * * * *

The Laird gunboat appears to have gone from Point Lynas steering north on Friday or Saturday. A person sent down to Holyhead on Sat-

urday has returned, and stated that she was seen from the Stack light-house as late as eight o'clock on Saturday evening. It is possible, however, that the light-house keeper may have mistaken the Tuscarora for her, as she was in that neighborhood on Saturday.

The statement in one of the slips I inclose, (No. 4,) of her being off the Giant's Causeway, originated with a Mr. Beasley, (secessionist,) who said some captain had told him. Like the previous report of her being in Holyhead, I have no doubt it is untrue.*

Captain Bullock who left here in her has returned.

It has been stated by a person in the confidence of these plotters that she is within 300 miles of this, getting her armament. This is not likely, but shall be followed up.

A statement made by Mr. Barnett, who engaged the crew, to a boarding-house keeper who furnished some of the men, would seem to indicate an intention of trying to run the blockade. He said all the men who did not want to remain by her when she got to Nassau or Savannah, would be sent home again with Captain Butcher, who would return home.

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I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY,
Per H. S. WILDING,
Vice-Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 203.] LEGATION OF THE UNITED STATES,
London, August 7, 1862.

SIR: In my dispatch (No. 199) of the 30th July I brought down the narrative of the proceedings in the case of the gunboat No. 290 to the morning of the 29th. Later in the day I sent another telegram to Captain Craven, giving further intelligence from Liverpool, urging his departure from Southampton, also that he should let me know his next movements, and cautioning him about the line of British jurisdiction. To this message the captain immediately replied, announcing his departure at 8 o'clock, and his intention to touch at Queenstown for further information. On the 30th of July I wrote to Captain Craven, by mail to Queenstown, giving fuller details, received at half-past eleven o'clock from Mr. Dudley, touching the movements of the gunboat off Point Lynas on that day. Early on the morning of the 31st I sent a telegram to Captain Craven, at Queenstown, apprising him that 290 was said to be still off Point Lynas. At about 10 o'clock p. m. of that evening I received a telegram from Captain Craven, dated at Queenstown, announcing his reception of my dispatch and his intention to await further instructions. This was answered by me early the next morning in the following words, by telegram:

"At latest, yesterday, she was off Point Lynas; you must catch her if you can, and, if necessary, follow her across the Atlantic."

On the same day I received by mail a note from Captain Craven, dated

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* It appears that she did pass the Giant's Causeway, landing Captain Bullock and the pilot. See statement from the private journal of one of her officers. General Appendix, No. 7.

the 31st, announcing the receipt of my dispatches and his decision to go to Point Lynas at noon on the 1st instant.

Captain Craven seems to have sailed up St. George's channel. This last movement must have been made in forgetfulness of my caution about British jurisdiction, for, even had he found No. 290 in that region, I had in previous conversations with him explained the reasons why I should not consider it good policy to attempt her capture near the coast. In point of fact, this proceeding put an end to every chance of his success.

On the 5th instant I received a letter from him, dated the 4th, at Queenstown, inclosing a report of his doings, addressed to the Secretary of the Navy, left open for my inspection, which I forward by this steamer, and at the same time apprising me of his intention to go round to Dublin and await a letter from me prior to his return to his station at Gibraltar. To this I sent the following reply:

"LEGATION OF THE UNITED STATES,
"*London, August* 6, 1862.

"SIR: I will forward your letter to the Secretary of the Navy. Having in my hands sufficient evidence to justify the step, I was willing to assume the responsibility of advising you to follow the boat No. 290 and take her wherever you could find her. But I cannot do the same with other vessels of which I have knowledge only from general report. I therefore think it best that you should resume your duties under the general instructions you have from the department, without further reference to me."

It may have been of use to the Tuscarora to have obtained repairs at Southampton to put her in seaworthy condition. But had I imagined that the captain did not intend to try the sea, I should not have taken the responsibility of calling him from his station. I can only say that I shall not attempt anything of the kind again.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 105.] UNITED STATES CONSULATE,
Liverpool, August 8, 1862.

SIR: * * * * * *

There are many rumors afloat about the gunboat No. 290. Some say that she is still in the channel, others that she has gone to sea and is to meet one of the steamers in mid-ocean and there receive her armament, but there are none that I think reliable. I am now inclined to think that she will run into one of the southern ports, but have nothing definite or certain about her. I have one of the notes given to the crew at time of shipping. It is inclosed, marked No. 3. In this note she is called the Enrica, which I presume is to be her name. I procured this note, thinking it might be of some service in case of her capture.

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I have the honor to be, very respectfully, your obedient servant,
THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

£2 10*s.* 0*d.*

Agreement made at Liverpool, this 28th day of July, 1862.

Ten days after the ship Enrica sails from the port of Liverpool, the undersigned do hereby promise and agree to pay to any person who shall advance two pounds, ten shillings, — pence to James Daw on this agreement, the sum of two pounds, ten shillings, no pence, provided the said James Daw shall sail in the said ship from the said port of Liverpool.

MATTHEW J. BUTCHER, *Master.*

Payable at Cunard & Wilson, London and Liverpool chambers, Exchange.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 108.] UNITED STATES CONSULATE,
Liverpool, August 12, 1862.

SIR: I understand that Lairds' gunboat 290 is somewhere either on the coast of England or Ireland, and that they are shipping to-day fifty more men, who are to be taken to her to-night on a steamer. I have written and telegraphed this information to Minister Adams, and also written to Mr. Craven, the captain of the United States ship Tuscarora off of Kingston, in Ireland.

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I am, sir, very respectfully, your obedient servant,
THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD.
Secretary of State.

Mr. Dudley to Mr. Seward.

No. 109.] UNITED STATES CONSULATE,
Liverpool, August 13, 1862.

SIR: I wrote you yesterday that they were shipping men for the gunboat No. 290, and that there were reasons to suppose that she was somewhere in the channel, &c. The men were placed on board of the steamer Bahama, which arrived at this port a few days ago loaded with cotton. This is the same steamer that sailed from Hamburg some months ago, loaded with arms and munitions of war intended for the rebel government. She took on cannon, shot and ammunition, and her coal yesterday, and shipped her crew and the men intended for the gunboat last evening, and went out of her dock at three o'clock this morning. I cannot see her in the river. She has no doubt sailed; where, I do not know, but no doubt to some place agreed upon to meet the gunboat. The cannon and ammunition, as well as men, are intended for this vessel. There has been as yet no entry at customs of the Bahama to load, much less to clear, but she is one of the class that seems to be privi-

leged by the authorities in this country. She is a large vessel, over seventeen hundred tons burden, commanded by Captain Tessin.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

N. B.—I have learned that she (the Bahama) entered yesterday to load for Nassau. I have written to Mr. Adams, United States minister at London, and to the consul at Dublin, all the particulars, and from time to time sent telegrams of the movements here. The Tuscarora was yesterday in Dublin harbor.

[From British Blue Book, "North America," No. 1, 1863, p. 16.]

No. 21.

Mr. Stewart to Earl Russell.

[Extract.]

WASHINGTON, *August* 16, 1862.

* * * * * * *

He [Mr. Seward] also alluded to the case of the other steamer* which had lately escaped from Liverpool, and I explained to him that, in that case, as well as in that of the Oreto, her Majesty's government had done all which they legally could do, and that they would do the same in future, whenever proofs could be furnished that vessels were being equipped in British ports in violation of the foreign enlistment act, or of the Queen's proclamation of neutrality.

After some conversation on his side upon the difficulty of producing proofs in such cases, and on mine upon the impossibility of acting on mere suspicions, Mr. Seward gave me the assurance that the idea of letters of marque was at any rate suspended for the present; and he added that he hoped that the great additions which are being made to the United States navy would soon be sufficiently completed to render the measure altogether unnecessary.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 113.] UNITED STATES CONSULATE,
Liverpool, August 20, 1862.

SIR: * * * * * * *

There is now not much doubt but what the steamer Bahama, which cleared here in so much hurry, is to meet the gunboat 290 at some place agreed upon. She has the armament and men for her. I doubt now whether she will make the attempt to run the blockade. There is no necessity for her to do it. She has gone out without clearing, and her armament and men are on the Bahama, and as soon as she gets them she is ready to commence her operations as a privateer. She will make the attempt to capture one of the California steamers; at least this has been

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* The Alabama.

said by some of their leading men here. Edwin Haigh, the same man who pretends to own the Bermuda, pretends to own the Bahama. The register is in his name, but the vessel belongs to Fraser, Trenholm & Co.

I am, sir, very respectfully, your obedient servant,

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THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 329.] DEPARTMENT OF STATE,
Washington, August 25, 1862.

SIR: Your dispatch of August 7, No. 203, has been received, and I have laid a copy of it before the Secretary of the Navy. It is to be hoped that Captain Craven will be able to obtain the approval of his proceedings by that department. The escape of the 290 is especially vexatious, in view of all the judicious and almost successful efforts you had made to prevent it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 122.] UNITED STATES CONSULATE,
Liverpool, September 2, 1862.

SIR: The steamer Bahama returned to this port yesterday. You will see by the inclosed slip from the newspapers of this day, that my information that she was taking out a part of the armament and crew for the gunboat 290 was correct. The 290 is now called the Alabama, and has entered upon her cruise with Captain Semmes, late of the Sumter, as commander. There is much rejoicing over this news among those who sympathize with the rebels.

This steamer Bahama is owned or held by Edwin Haigh, the same man who is now before the prize court in Philadelphia, claiming as owner the steamer Bermuda, and who is so anxious to use this consulate to certify his papers.

The Bahama took out eight guns, which were placed on board of the gunboat.

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I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From Liverpool Journal of Commerce, September 2, 1862.]

The Bahama steamship, hence for Nassau, has put back from Angra, Terceira, which port she left on the 24th August, in company with the

confederate gunboat Alabama, Semmes, commander, formerly 290, on board of which the Bahama had put an armament of heavy guns. The Bahama also brings back forty of the crew of the Alabama, one of whom reports that she proceeded on a cruise with a view to the destruction of American shipping. About one hundred and forty hands were shipped at Terceira.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 125.] UNITED STATES CONSULATE,
Liverpool, September 5, 1862.

SIR: * * * * * * *

The Bahama took out from here to the gunboat 290, now Alabama, four Savannah pilots, who are now on her. Their names are, two Kings, one Bormenstein, the other Hardy. This would look as if she intended to run into Savannah. The men who were brought back from the gunboat were all paid off, after they arrived, in M. G. Klingender's office, the same man who owns, or pretends to own, the steamers Gladiator and Bonita.

I am, sir, very respectfully, your obedient servant,
THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extract.]

No. 219.] LEGATION OF THE UNITED STATES,
London, September 5, 1862.

SIR: * * * * * * *

I presume that Mr. Dudley keeps the government fully informed of the change of the chrysalis 290 into the butterfly Alabama, on a piratical cruise against American shipping. It turned out, as I expected, that she did not go to Nassau. Her difficulty will be to keep supplied with coals.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 340.] DEPARTMENT OF STATE,
Washington, September 13, 1862.

SIR: Mr. Morse, our indefatigable consul at London, has transmitted to this department an intercepted letter written by S. R. Mallory, who is the pretended secretary of the navy to the insurrectionary party in the South, and addressed to James H. North, who is called a com-

mander in that navy. The letter shows that at least two steamers, the Oreto [the Alabama?] and the Florida, have been actually built, fitted up in England for the insurgents, and dispatched with armaments and military stores from British ports to make war upon the United States. Mr. Morse has informed me that he intended to submit the letter to you, and it is probable that you will have taken a copy of it. For greater certainty, however, a copy is sent you with this dispatch. It is thought expedient that you give a copy of it to Earl Russell. Hitherto the British authorities have failed to prevent such transactions, assigning as the reason a want of authentic evidence of the illegal character and purposes of the vessels which you have denounced. It will perhaps be useful to give the government this unquestionable evidence of the infraction of the neutrality laws, in the very two cases of which you have already complained without success. Although these two vessels are now beyond the reach of British authority, the evidence which shows that they ought to have been detained may possibly lend some probability to new complaints in regard to other vessels of a similar character now being built in England.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For inclosure see Mr. Adams's dispatch to Mr. Seward, No. 238, of October 10, 1862, *post.*]

Mr. Adams to Mr. Seward.

No. 227.] LEGATION OF THE UNITED STATES,
London, September 26, 1862.

SIR: I have not been quite satisfied with the way in which my remonstrances respecting the outfit of the gunboat No. 290 had been left. In consequence I seized the first opportunity in my power to remind Lord Russell that no written answer had been given to me. This has had the desired effect. I have the honor to transmit copies of the two notes which have passed between us. In former days it was a favorite object of Great Britain to obtain from the United States an admission of the validity of claims for damage done by vessels fitted out in their ports against her commerce. This was finally conceded to her in the seventh article of the treaty of 1794. The reasoning which led to that agreement may not be without its value at some future time, should the escape of the gunboat 290, and of her companion, the Oreto, prove to be of any serious injury to our commerce.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 4, 1862.

MY LORD: I have the honor to transmit the copy of a letter received from the consul of the United States at Liverpool, together with a depo-

sition, in addition to the others already submitted with my notes of the 22d and 24th of July, going to show the further prosecution of the illegal and hostile measures against the United States in connection with the outfit of the gunboat No. 290 from the port of Liverpool. It now appears that supplies are in process of transmission from here to a vessel fitted out from England, and now sailing on the high seas, with the piratical intent to burn and destroy the property of the people of a country with which her Majesty is in alliance and friendship. I pray your lordship's pardon if I call your attention to the fact that I have not yet received any reply in writing to the several notes and representations I have had the honor to submit to her Majesty's government touching this flagrant case.

I beg to renew to your lordship the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, September 3, 1862.

SIR: I have just obtained the affidavit of the boatswain's mate who shipped in and went out on the No. 290, now called the Alabama. I inclose it to you, with bill for his services, signed by Captain Butcher. He returned on the Bahama. He states that the Alabama is to cruise on the line of packets from Liverpool to New York; that Semmes told them so. This may have been said for the purpose of misleading us. The bark that took out the guns and coal is to carry out another cargo of coal to her; is to take it on either at Cardiff or Troon, near Greenock, in Scotland; the bark to meet the Alabama near the same island where the armament was put on board, or at least in that neighborhood. There will be no difficulty to get other testimony, if it is required.

I am, &c.,

THOS. H. DUDLEY.

P. S.—There were two American vessels in sight when they parted with the Alabama, which Captain Semmes said he would take. They, no doubt, were taken and destroyed, the first fruits from this vessel.

T. H. D.

NOTE.—It was the bark Agrippina, Captain McQueen, from London.—T. H. D.

Deposition of Henry Redden.

Henry Redden says: I reside at 16 Hook street, Vauxhall Road, and am a seaman. In April last I shipped as boatswain's mate of a vessel lying in Laird's Dock at Birkenhead, known as 290, and worked on board until she sailed. We sailed from Liverpool about 28th July; Captain Butcher was master; Mr. Law, a southerner, was mate; Mr. Lawrence Young was purser. A Captain Bullock went out with us, but left with the pilot at Giant's Cove, near Londonderry. There were five ladies and a number of gentlemen went with us as far as the Bell Buoy.

We went first to Malfre Bay, near Point Lynas, when we anchored and remained about thirty hours. The Hercules tug brought down about forty men to us there; nothing else was then taken on board. Her crew then numbered ninety men, of whom thirty-six were sailors. She had no guns on board then, nor powder, nor ammunition. We left Malfre Bay on the Thursday night at 12 o'clock, and steered for the North Channel. We discharged Captain Bullock and the pilot on Saturday afternoon. We first steered down the South Channel as far as Bardsea, when we 'bout ship and steered north. From Derry we cruised about until we arrived at Angra, eleven days after leaving Holyhead. About four days after we arrived an English bark, ——, Captain Quinn, arrived from London with six guns, two of them 98-pounders (one rifled and the other smooth-bore) pivot guns, and four 38-pounder breech guns, smooth-bore broadside guns, two hundred or three hundred barrels of powder, several cases of shot, a quantity of slops, two hundred tons of coal. She came alongside and made fast. We were anchored in Angra Bay, about a mile and a half or two miles from shore. After being there about a week, and while we were taking the guns and ammunition on board, the authorities ordered us away. We went outside, and returned at night. The bark was kept lashed alongside, and we took the remainder of the guns, &c., on board as we could. While we were discharging the bark, the steamer Bahama, Captain Tessier, arrived from Liverpool. Captain Bullock, Captain Semmes, and forty men came in her. She also brought two 38-pounder guns, smooth-bore, and two safes full of money in gold. She had a safe on board before, taken on board at Birkenhead. The Bahama was flying the British flag. The Bahama towed the bark to another place in the island, and we followed. The next morning we were ordered away from there, and went to sea until night, when we returned to Angra Bay. The Bahama, after towing the bark away the evening of her arrival, came back to the Alabama, or 290, in Angra Bay, made fast alongside of her, and discharged the guns on board of her and the money. The men struck for wages, and would not then go on board. There were four engineers, a boatswain, and captain's clerk, named Smith, also came in the Bahama, and they were taken on board the same evening. All three vessels continued to fly the British flag the whole time. The guns were mounted as soon as they were taken on board. They were busy at work getting them and the Alabama or 290 ready for fighting while the Bahama and the bark were alongside. On the Sunday afternoon following (last Sunday week) Captain Semmes called all hands aft, and the confederate flag was hoisted, the band playing "Dixie's Land." Captain Semmes addressed the men, and said he was deranged in his mind to see his country going to ruin, and had to steal out of Liverpool like a thief. That instead of them watching him, he was now going after them. He wanted all of us to join him—that he was going to sink, burn, and destroy all his enemy's property, and that any that went with him was entitled to two-twentieths prize money. It did not matter whether the prize was sunk, or burned, or sold, the prize money was to be paid. That there were only four or five northern ships that he was afraid of. He said he did not want any to go that was not willing to fight, and there was a steamer alongside to take them back if they were not willing. The vessel was all this time steaming to sea, with the Bahama at a short distance. Forty-eight men, most of them firemen, refused to go, and an hour afterwards were put on board the Bahama. I refused to go, and came back with the rest in the Bahama. Captain Butcher, Captain Bullock, and all the English engineers came with us, and landed here

on Monday morning. When we left the Alabama she was all ready for fighting, and steering to sea. I heard Captain Semmes say he was going to cruise in the track of the ships going from New York to Liverpool, and Liverpool to New York. The Alabama never steamed while I was in her more than eleven knots, and cannot make any more. We signed articles while in Malfre Bay for Nassau or an intermediate port. Captain Butcher got us to sign. The provisions were put on board at Laird's yard before sailing; they were for six months. When we left her she had about ninety men, and eight guns mounted, three on each side and two pivots.

HENRY REDDEN.

Declared and subscribed at Liverpool aforesaid, the 3d day of September, 1862, before me,

WILLIAM G. BATESON,
Notary Public and a Commissioner to administer oaths in Chancery.

ACCOUNT.

August 31.—Henry Redden, at £6 per month.

	£	*s.*	*d.*
One month and five days at 4*s*	7	0	0
Advance £6; tobacco 1*s.* 8*d.*	6	1	8
Amount due	0	18	4

MATTHEW JAMES BUTCHER,
Master of steamship 290.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 22, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing a copy of a letter from the United States consul at Liverpool, together with the deposition of Henry Redden, respecting the supply of cannon and munitions of war to the gunboat No. 290. You also call attention to the fact that you have not yet received any reply to the representations you have addressed to her Majesty's government upon the subject.

I had the honor, in acknowledging the receipt of your letter of the 23d of June, to state to you that the matter had been referred to the proper department of her Majesty's government for investigation. Your subsequent letters were also at once forwarded to that department, but, as you were informed in my letter of the 28th of July, it was requisite, before any active steps could be taken in the matter, to consult the law officers of the Crown. This could not be done until sufficient evidence had been collected, and, from the nature of the case, some time was necessarily spent in procuring it. The report of the law officers was not received until the 29th of July, and, on the same day, a telegraphic message was forwarded to her Majesty's government, stating that the vessel had sailed that morning. Instructions were then dispatched to Ireland to detain the vessel should she put into Queenstown, and similar instructions have been sent to the governor of the Bahamas, in case of her visiting Nassau. It appears, however, that the vessel did not go to

Queenstown, as had been expected, and nothing has been since heard of her movement.

The officers of customs will now be directed to report upon the further evidence forwarded by you. I shall not fail to inform you of the result of the inquiry.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 136.] UNITED STATES CONSULATE,
Liverpool, October 1, 1862.

SIR: * * * * * * * *

A man by the name of King, who was on this steamer, came to my office two or three days ago. Deeming his evidence important, showing, as it does, how the steamer received her armament, I took down his statement, and as a matter of great precaution, as well as to enlighten that functionary, took him before the collector of the port, had it read and declared to before him. I hope this may be of some service in the investigation which I understand has been ordered by the government relative to the building and fitting out of this vessel. * * * I inclosed a copy to Minister Adams, and now send a copy to you, marked No. 2.*

* * * * * * * * *

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 230.] LEGATION OF THE UNITED STATES,
London, October 3, 1862.

SIR: I regret to be obliged to state that accounts are coming in of the ravages committed by the gunboat 290, now called the Alabama, which has been cruising off the Azores. So long ago as the 5th of last month I felt it my duty to apprise the consul at Gibraltar of the position of that vessel, and to warn him, and through him the vessels on that station, to be on the alert. I now learn from him, as well as from Mr. Harvey, at Lisbon, that they have just sailed. The probability is that the Alabama will next turn up somewhere in the West Indies, or on the coast of South America.

There are rumors from Liverpool of the preparation of several steamers to sail as privateers. They find some corroboration from the report just received of the proceedings at Richmond in regard to letters of marque. There is no doubt that the presence of one or two fast United

* For this affidavit, see inclosure to Mr. Adams's dispatch to Mr. Seward, No. 230, October 3, 1862, *post*.

States steamers, commanded by efficient officers, would be of use in the European waters.

I transmit the copy of another note which I have addressed to Lord Russell, upon my receiving from Mr. Dudley a fresh and strong deposition to add to those already accumulated in the case of the gunboat 290. It will be a little difficult for this government to justify its want of energy in enforcing the provisions of the law in regard to that vessel.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1862.

MY LORD: I have the honor to submit to your consideration the copy of another deposition taken at Liverpool before the collector of the port, which, in connection with the papers heretofore presented, goes to establish, beyond reasonable doubt, the fact that the insurgents in the United States and their coadjutors at that place have been engaged in fitting out vessels at that port to make war on the United States, in utter contempt of the law and of her Majesty's injunctions in her proclamation. I expect to be in possession of some stronger evidence of the same nature in relation to past transactions, which I hope to be able, likewise, to submit in a few days.

The injuries to which the people of the United States are subjected by the unfortunate delays experienced in the case of my remonstrance against the fitting out of the gunboat 290, now called the confederate steamer Alabama, are just beginning to be reported. I last night received intelligence from Gibraltar that this vessel has destroyed ten whaling ships in the course of a short time at the Azores.

I have strong reason to believe that still other enterprises of the same kind are in progress in the ports of Great Britain at this time. Indeed, they have attained so much notoriety as to be openly announced in the newspapers of Liverpool and London. In view of the very strong legal opinion which I had the honor to present to your lordship's consideration, it is impossible that all these things should not excite great attention in the United States. I very much fear they will impress the people and the government with a belief, however unfounded, that their just claims on the neutrality of Great Britain have not been sufficiently estimated. The extent to which her Majesty's flag and some of her ports have been used to the end of carrying on hostile operations is so universally understood, that I deem it unnecessary further to dwell upon it. But in the spirit of friendliness with which I have ever been animated towards her Majesty's government, I feel it my duty to omit no opportunity of urging the manifestation of its well-known energy in upholding those laws of neutrality upon which alone the reciprocal confidence of nations can find a permanent basis.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Deposition of George King.

George King, of 91 Clarence street, Edge Hill, Liverpool, states that about the 12th August last he was engaged by Mr. Barnett of Liverpool to go on a secret expedition at 4*l.* 10*s.* a month. Was not told where he was going to, but understood he was going to the screw-steamer 290 to run the blockade. Was ordered to be at the landing-stage at 12 the next night, to go in a steamer. Asked where they were going to, and was told they were going to have some fun; that was all he was told. Went to the stage on the next night as ordered, and about midnight went off in a tug-boat to screw-steamer Bahama, lying off the Rock. Sailed about 6 the next morning. When we got to Terceira we found the 290 there with a bark alongside. Don't know the bark's name, but saw Bristol on her stern. As soon as we got there Captain Semmes told us the 290 was a confederate gunboat, and was going on a three years' cruise; that every vessel she took or destroyed would be valued, and one-half go to the confederate government and the other half to the crew of the gunboat. Only about fifteen or sixteen signed then. Captain Bullock was present when this was done. This was on board the Bahama. Subsequently other men signed. I and about eight others refused to go when we found what the 290 was going for. The first night, in the dark, the three cases were discharged from the Bahama into the gunboat. She had no guns fitted then. The Bristol bark was lashed alongside, and I saw them take guns, shot, and shell, out of her into the gunboat. Saw one of the boxes taken out of the Bahama opened, and it contained the machinery for the swivel guns. I saw the same machinery fitted for the swivel guns on the gunboat. I saw the guns taken from the bark fitted on the gunboat. I did not see the other boxes from the Bahama opened, but know they contained guns, and saw them fitted on board the 290. Saw Captain Bullock superintending the fitting and arming the gunboat 290. Captain Butcher was also there, and managed the vessel while she was being armed. She kept sailing about during the day with the bark alongside, and at night anchored in some of the bays. They worked day and most of the night. The three vessels flew the British flag all the time the 290 was arming, and until the Sunday we left her outside Terceira Bay. About 1 o'clock on that day, I think about 24th August, the 290 fired a gun, hauled down the British flag, and hoisted the confederate flag at the peak, the St. George's cross at the fore, and a pennant at the main. She was then just outside the bay, steering to sea. Captain Bullock and Captain Butcher were still on board of her. We kept company with her until about 12 that night, when Captains Bullock and Butcher left her and came on board the Bahama, and came back with us to Liverpool. When I was engaged by Mr. Barnett he gave me a note payable six days after the Bahama sailed, at an office in Water street. My brother received the money for the note. I never signed any articles or agreement of any kind.

GEORGE KING.

Signed and declared before me, at the custom-house, Liverpool, this 27th day of September, 1862.

J. PRICE EDWARDS, *Collector.*

Mr. Adams to Mr. Seward.

No. 238.] LEGATION OF THE UNITED STATES.
London, October 10, 1862.

SIR: I have the honor to transmit copies of further notes that have passed between Lord Russell and myself in regard to the outfits in behalf of the insurgents made from the ports of this kingdom.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD.
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 4, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing a copy of another deposition, taken before the collector of the port of Liverpool, with reference to the proceedings of the gunboat 290, and further expressing a belief that enterprises of a similar kind are in course of progress in the ports of the United Kingdom; and I have to state to you that, much as her Majesty's government desire to prevent such occurrences, they are unable to go beyond the law, municipal and international.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES.
London, October 9, 1862.

MY LORD: I now have the honor to transmit to your lordship a copy of an intercepted letter which I have received from my government, being the further evidence to which I made allusion in my note to your lordship of the 30th of September, as substantiating the allegations made of the infringements of the enlistment law by the insurgents of the United States in the ports of Great Britain. I am well aware of the fact to which your lordship calls my attention in the note of the 4th instant, the reception of which I have the honor to acknowledge, that her Majesty's government are unable to go beyond the law, municipal and international, in preventing enterprises of the kind referred to. But in the representations which I have had the honor lately to make, I beg to remind your lordship that I base them upon evidence which applies directly to infringements of municipal law itself, and not to anything beyond it. The consequence of an omission to enforce its penalties is, therefore, necessarily that heretofore pointed out by eminent counsel, to wit: that "the law is little better than a dead letter," a result

against which "the government of the United States has serious ground of remonstrance."

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl RUSSELL, *&c., &c., &c.*

S. R. Mallory to James H. North.

CONFEDERATE STATES OF AMERICA,
Navy Department, Richmond, July 12, 1862.

SIR: Your letter of the 29th of March last reached me this morning.

The department notified you on the 11th of January last, that you would receive orders to command the second vessel then being built in England, but for reasons satisfactory to the department you were subsequently assigned to the command of the first vessel, the Florida, (Oreto,) now at Nassau; and any just ground for "the surprise and astonishment" in this respect at the department's action is not perceived.

A commission as commander for the war was sent you on the 5th of May, and your failure to follow the Oreto, which left England about the 21st* of March, and to take command of her as was contemplated, and as you were apprised by Captain Bullock, on the 26th of March, is not understood, and has been productive of some embarrassment.

Captain Bullock was nominated by the executive for his position in the navy under existing law, and was duly confirmed by the senate, and your protest to this department against the action of these co-ordinate branches of your government is out of place.

Upon the receipt of this letter you will turn over to Lieutenant G. F. Sinclair the instructions which you may have received, together with any public funds in your hands, and return to the Confederate States in such manner as your judgment may direct.

Should you not be provided with funds for this purpose, Commander Bullock will, upon your application, supply them.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

Commander JAMES H. NORTH,
C. S. N., London, England.

[For evidence as to Captain Bullock's operations in England, see Alexandra jury trial, Appendix No. 15, given in court June 23, 1863; also the correspondence in 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 242.] LEGATION OF THE UNITED STATES,
London, October 16, 1862.

SIR: I now transmit copies of further notes on the subject of the gunboat 290, in continuation of those sent with my dispatch (No. 227) of the 26th of September. It is very manifest that no disposition exists here

*She sailed on the 22d of March.

to apply the powers of the government to the investigation of the acts complained of, flagrant as they are, or to the prosecution of the offenders. The main object must now be to make a record which may be of use at some future day.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 9, 1862.

SIR: With reference to my letter to you of the 22d ultimo, I have the honor to inclose a copy of a letter which I have received from the board of treasury, forwarding the copy of a report from her Majesty's commissioners of customs relative to the supply of cannon and munitions of war to the gunboat 290.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

TREASURY CHAMBERS, *September* 29, 1862.

SIR: With reference to your letter of the 12th instant, and previous correspondence, I am directed by the lords, &c., to transmit herewith, for the information of Earl Russell, a copy of a report, No. 478, dated 25th instant, of the commissioners of customs relative to the supply of cannon, &c., to the gunboat No. 290.

I am, &c.,

GEO. A. HAMILTON.

No. 478.] CUSTOM-HOUSE, *September* 25, 1862.

Your lordships having, by Mr. Arbuthnot's letter of the 16th instant, transmitted to us, with reference to Mr. Hamilton's letter of the 2d ultimo, the inclosed communication from the Foreign Office, with copies of a further letter and its inclosures from the United States minister at this court respecting the supply of cannon and munitions of war to the gunboat No. 290, recently built at Liverpool, and now in the service of the so-called Confederate States of America; and your lordships having desired that we would take such steps as might seem to be required in view of the facts therein represented, and report the result to your lordships, we have now to report:

That, assuming the statement set forth in the affidavit of Redden, (who sailed from Liverpool in the vessel,) which accompanied Mr. Adams's letter to Earl Russell, to be correct, the furnishing of arms, &c., to the gunboat does not appear to have taken place in any part of the United Kingdom or of her Majesty's dominions, but in or near Angra Bay, part of the Azores, part of the Portuguese dominions. No offense, therefore, cognizable by the laws of this country appears to have been committed by the parties engaged in the transaction alluded to in the affidavit.

With respect to the allegation of Redden that the arms, &c., were shipped on board the 290 in Angra Bay, partly from a bark (name not given) which arrived there from London, commanded by a Captain Quinn, and partly from the steamer Bahama, from Liverpool, we beg to state that no vessel having a master named Quinn can be traced as having sailed from this port for foreign parts during the last six months; the Knight Errant, Captain *Quine*, a vessel of 1,342 tons burden, cleared for Calcutta on the 12th of April last, with a general cargo, such as is usually exported to the East Indies; but so far as can be ascertained from the entries, she had neither gunpowder nor cannon on board.

The steamer Bahama cleared from Liverpool on the 12th ultimo for Nassau. We find that Messrs. Fawcett, Preston & Co., engineers and iron founders, of Liverpool, shipped on board that vessel nineteen cases containing guns, gun-carriages, shot, rammers, &c., weighing in all 158 cwt. 1 qr. 27 lbs.; there was no other cargo on board except 552 tons of coals, for the use of the ship; and the above-mentioned goods having been regularly cleared for Nassau in compliance with the customs law, our officers could have no power to interfere with their shipment.

With reference to the further statement in the letter to Mr. Dudley, the consul of the United States at Liverpool, that the bark that took out the guns and coals is to carry out another cargo of coals to the gunboat 290, either from Cardiff or Troon, near Greenock, we have only to remark that there would be great difficulty in ascertaining the intention of any parties making such a shipment; and we do not apprehend that our officers would have any power of interfering with it, were the coals cleared outwards for some foreign port in compliance with the law.

F. GOULBURN.
W. R. GREY.

To the LORDS, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 373.] DEPARTMENT OF STATE,
Washington, October 20, 1862.

SIR: Your dispatch of October 3 (No. 230) has been received. Your proceeding in presenting to her Majesty's government a remonstrance against the practices of British subjects in arming and fitting out privateers to depredate on American commerce is approved by the President. The language and the effect of your remonstrance are equally satisfactory. When at the close of the last session of Congress it was proposed here to issue letters of marque for the protection of our commerce against such depredations by the insurgents, the proposition was relinquished on the ground that they had no ports here within control from which piratical cruisers could be sent out, and it was not apprehended that the shores of Great Britain would be suffered to be used by them for a base of operations. Yet we now see a piratical vessel built, manned, armed, equipped, and dispatched from a British port, and roaming at large on the seas, without ever touching the American shores, destroying American merchantmen as if there were no treaties between Great Britain and the United States, while entrance into British ports for coals and other supplies is denied to our national armed vessels under a proclamation of neutrality. This is one of the lamentable fruits of the policy which Great Britain adopted at the beginning of the war, without previous consultation with the United States, and has persisted in ever since in opposition to their earnest and persevering remonstrances. Our agents are reporting to us new and larger military and naval preparations in

British ports, and if they are to be allowed to go on to their conclusion, and to operate, as has been done in the case of the 290, will not the result be that, while Great Britain avows neutrality, her subjects are practically allies of the internal enemies of the United States? The President will not consent to believe that her Britannic Majesty's government would willingly allow a condition of affairs to occur which would seem to leave to the United States almost no hope of remaining at peace with Great Britain without sacrifices for which no peace could ever compensate.

The Secretary of the Navy is adopting all possible means to meet the new exigency which has occurred.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 374.] DEPARTMENT OF STATE,
Washington, October 20, 1862.

SIR: With reference to the operations of the insurgent steamer 290, an extract from a letter of Mr. Dabney, the United States consul at Teneriffe, to Mr. Perry, chargé d'affaires at Madrid, is herewith appended.

I am your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Dabney to Mr. Perry.

[Extract.]

CONSULATE OF THE UNITED STATES,
Teneriffe, Canary Islands, September 24, 1862.

SIR: * * * * * * * * *

The vessel referred to is probably the 290, a powerful vessel, which you are, of course, cognizant of, and an equally powerful steamer is necessary to overhaul her, which, perhaps, you may have the power to dispatch after her. I would inform you that, about the 22d ultimo, two steamers and a ship, all showing the English flag, anchored at an out-of-the-way place, at the island of Terceira, Azores, and were two days engaged in passing cargo from the ship to the steamers, of which this is probably one, and there may have been two fitted out at that time.

I remain, sir, your most obedient,

WILLIAM H. DABNEY.

HORATIO J. PERRY, Esq.,
United States Legation, Madrid.

Mr. Adams to Mr. Seward.

[Extract.]

No. 244.] LEGATION OF THE UNITED STATES,
London, October 23, 1862.

SIR: * * * * * * * * *

I now transmit a copy of Lord Russell's note to me of the 16th instant,

in reply to mine of the 9th, a copy of which was forwarded with my dispatch No. 238, of the 10th of October. The attitude of indifference to the consequences of their own inaction under the provisions of the enlistment law is continued, and will probably remain to the last. In the mean time the vessel which was suffered to escape is continuing its piratical ravages on the ocean. Mr. Dudley will send you further particulars received by the captain of the ship Emily Farnum, who has arrived at Liverpool. I know not what has become of the Tuscarora. The probabilities are that the next attack will be made on the California steamers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 16, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of an intercepted letter which you had received from the United States government, being the further evidence with regard to the gunboat No. 290, to which you alluded in your previous communication to me of the 30th ultimo, and with reference to your observations with regard to the infringement of the enlistment law, I have to remark that it is true the foreign enlistment act, or any other act for the same purpose, can be evaded by very subtle contrivances; but her Majesty's government cannot, on that account, go beyond the letter of the existing law.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 378.] DEPARTMENT OF STATE,
Washington, October 25, 1862.

SIR: Your dispatch of October 10 (No. 238) has been received. Your reply to Earl Russell's note of the 4th instant on the subject of British outfits of British-built vessels from British ports, with British-shipped crews, to depredate on American commerce on the high seas, is approved by the President. I do not know how I could add a word to fortify or improve the clear, calm, and energetic protest which that paper contains.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 381.] DEPARTMENT OF STATE,
Washington, October 25, 1862.

SIR: I send herewith copies of papers which have just been received from James E. Harvey, esq., our minister at Lisbon, touching the

depredation of piratical vessels built, armed, manned, and equipped in British ports, and dispatched from such ports upon the American merchant vessels on the high seas near the island of Flores.

The President desires that you lay copies, or the substance of them, before Earl Russell in such manner as shall seem best calculated to effect two important objects: first, due redress for the national and private injuries sustained; and secondly, a prevention of such lawless and injurious proceedings hereafter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Harvey to Mr. Seward.

No. 157.] LEGATION OF THE UNITED STATES,
Lisbon, September 29, 1862.

SIR: The inclosed papers, from No. 1 to No. 7 inclusive, which reached me only a few hours ago, will bring to your view a new chapter of depredations on our commerce perpetrated by the notorious Captain Semmes, formerly of the Sumter, but now in command of the steamer Alabama, somewhat known as No. 290, under which name she cleared from Liverpool not long ago, having been built at Birkenhead. These outrages appear to have been committed between the 4th and 11th of this month, and mostly near the island of Flores, the northernmost of the group of the Azores, a Portuguese possession.

The following vessels were destroyed or burnt, as far as can be gathered from the information before me, viz: Ship Ocmulgee, Captain Osborn, of Edgartown; bark Ocean Rover, Captain Clark; bark Alert, Captain Church, of New London; schooner Weather Gauge, Captain Small, of Provincetown; schooner Starlight, Captain Doane; schooner Altamaha, of Sippican; schooner Admiral Blake, of Sippican; bark Benjamin Tucker, of New Bedford; bark Osceola, Captain Hogan; and the Courser, supposed to be of New Bedford.

All these vessels were engaged in the whaling trade, and several others are known to be now detained at the islands, while many are expected there from the southern Atlantic. The United States consul at Fayal has rendered the condition of the unfortunate victims of this piracy as comfortable as liberal resources and generous care permitted.

Upon receiving this intelligence I addressed the following telegrams to the commanders of the United States steamers Tuscarora and Kearsarge:

"Captain CRAVEN, *War Steamer Tuscarora, Cadiz,*
"Also Captain PICKERING, *War Steamer Kearsarge, Algeciras:*

"Information just received requires your immediate presence at Azores. Semmes in Alabama has destroyed ten whalers. He is aided by another steamer called Barcelona. Both wooden. Depredations committed near Flores. No delay is admissible.

"J. E. H., *United States Minister.*"

No reply has yet been received from either of the officers, and none is expected before the closing of this dispatch. The sloop-of-war St. Louis is now in port here, and her commander, Commander Marin, is at this moment with me. He promptly responded to my call and will go to sea

to-morrow, or as soon as I can confer with the public authorities here and obtain certain instructions, which I shall require to be issued to their officials at the Azores, some of whom have been culpably remiss in duty, while others have behaved properly and well to the extent of an insufficient power to maintain their own authority and laws.

I shall also write to-morrow to the captain of the Constellation, informing him of these facts, and express the opinion very decidedly that he ought to leave the pleasant ports of the Mediterranean and the show service there, for active duty outside, where every ship, gun, and man are needed.

However good the dispositions of this government may be, it is now, and always has been manifest to my mind, that we must rely upon ourselves exclusively to protect an exposed commerce. Portugal has a very small navy, most of which may now be seen in the Tagus, for the purpose of officiating at the King's marriage. It was for such reasons, and because of information which frequently reached me in various forms, of a threatened expedition, such as has now appeared at the Azores, that I urged in my No. 105 of 2d May last, and lately in my No. 149 of 24th August, some plan of organization for our little squadron now in Europe, by which these depredations might be prevented and their criminal authors punished.

I take the occasion to repeat and to press what I have heretofore written on this subject, in the hope that it may receive attention from the proper department and thus prevent greater injuries. A superior naval officer who is capable of comprehending the situation, willing to receive information, and to concert measures upon it, should either be sent out or chosen from those now abroad, to direct the movements of this squadron with system and efficiency, or else the minister here should have the discretion to exercise his own best judgment as emergencies may arise. No minister without it would feel authorized to interfere with the policy or orders of the Navy Department, however much he might know they required modification, and hence a margin of discretion is required to enable him to act with vigor and promptitude.

A fleet of American merchantmen may soon be expected in these and the neighboring waters, freighted with valuable cargoes of cereals. This fact is not unknown to the pirates who planned the recent outrages, to whom the same sources of information are open as to the general public. I shall strive to provide for the protection of these vessels with the inadequate means that may be employed for that purpose. It will be necessary to revive the authority conferred in your No. 32, of 14th January last, for the appointment of an agent in the Algaroe district, as the piratical spirit of a part of that region will at once be manifested, just as guerilla bands rise up at home, after a transient rebel success. A message has already been sent to the agent, who went there several months ago, requesting him to prepare for an immediate return. His pay will be as heretofore, at the rate of three milreis ($3 54) per diem, though the exigency may justify a more liberal allowance to him than was made in the first instance, for some necessary expenditures. Provision should be made with the Barings to meet this current outlay. The approval of the department in this matter is desirable, in order that there may be a perfect understanding and efficient co-operation.

The immediate presence of a swift war steamer in this vicinity is imperatively needed, at least for a time, after which she might be recalled, if absolutely required for duty nearer home. The reasons are obvious. The Tuscarora and Kearsarge must remain near the Azores, until the whaling ships which are expected to touch there for supplies are re-

lieved from danger. As the St. Louis is a sailing ship, she can do little more than defend those which are now compulsorily anchored off the islands. During the next and ensuing months, numbers of American vessels will seek this and other ports near here, loaded with grain. They should be protected, and there is no other mode at our disposal but the one suggested, and the small precautionary measures already adopted. Hence at least the temporary necessity for a swift and reliable armed steamer.

I am, sir, very respectfully, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dabney to Mr. Harvey.

UNITED STATES CONSULATE,
Azores, Fayal, September 18, 1862.

SIR: I have the satisfaction of forwarding the Lidiador of Terceira, containing an account of the proceedings of the two steamers and sailing bark in the ports and on the coast of that island, which will make known to you that, after violating the laws of the country, they anchored in the port of Angra, one of the strongholds of Portugal, where, instead of undergoing a strict examination, and being subjected to punishment, they were peaceably allowed to pass the coal from the sailing vessel on board of the steamers, and to depart without molestation.

The inclosed copies of my letters to Mr. Adams, and captain of the United States storeship Release, will inform you of the very deplorable events to which they relate. You will see the agency that I assumed in inducing Captain Upton to return forthwith to Cadiz, to endeavor to obtain the presence in these waters of the Tuscarora and Kearsarge.

The Portuguese brig Hortense arrived here on the 15th instant, and immediate arrangements were made to have a portion of the cargo landed, leaving sufficient coal to ballast her, and to have her dispatched to Flores the same afternoon, to obtain exact information, and promote the comfort of the officers and crews of the vessels there destroyed.

I am, sir, very respectfully,

CHARLES W. DABNEY.

Hon. J. E. HARVEY,
United States Minister, Lisbon.

P. S.—Since writing the above, I have received the original of the inclosed copy from Captains Osborn, Allen, and Smith.

[Extract of a letter from J. J. A. Monjardino, acting consular agent of the United States at the island of Terceira, dated August 21, 1862.]

On the 10th instant at 6 a. m. the British bark-rigged steamer Barcelona, fifteen days from London bound to Havana, anchored in the bay of Vila de Praya. Having no bill of health she was placed in quarantine. She continued at anchor in the same position until the 18th instant, when a ship, likewise British, arrived and immediately communicating with the steamer, commenced passing boxes on board of her. Yesterday the wind being northeast and Praya Bay being exposed, the

steamer got under way, and towing the ship they both came to anchor in Faral Bay of this city, near Mount Brazil. Soon after another steamer appeared from the eastward, and coming into the bay anchored near the first one. These movements have caused much astonishment, and it being contrary to the custom-house regulations for vessels to remain in the anchorage where they now are, they were informed through their consul that they must immediately get under way. They replied that they should require three days to repair damages and would then leave. Having been again notified to leave, they replied that they would proceed a league from the island, and there finish the repairs. It is generally believed that these steamers are destined for the southern States of America, with munitions of war brought out by the ship. This, however, is mere conjecture, their true destination being unknown to any one here.

FLORES, *September* 13, 1862.

DEAR SIR: I will inform you that the confederate steamer Alabama captured and destroyed my ship Ocmulgee, of Edgartown, with two hundred and sixty barrels sperm, two months out; also the Ocean Rover, the Alert, schooner Weather Gauge, and the schooner belonging to Captain Doane. I think that the best thing that could be done for the United States government would be to dispatch a vessel to Gibraltar and inform the captain of the Tuscarora, as he is now watching the Sumter, (as I have papers to the 20th of August stating that he was still watching the Sumter.) The pirate says he will have your bark if he stays for two months, as he said that you would not give him any coal when he was at Fayal. He says that he will have the whole fleet of whalers, and intends to stop here about a month; and, you see, sir, that there will be plenty of time to dispatch a vessel to Gibraltar and inform the captain of the Tuscarora, and he will come down here and take him.

What I have written is the wish of all the ship-masters.

Yours, with respect,

AB'M OSBORN, JR.
D. R. ALLEN,
Master bark Eagle, New Bedford.
WM. SMITH,
Master ship Black Eagle.

MR. DABNEY.

FLORES, *September* 16, 1862.

DEAR SIR: This moment the brig Hortense arrived from Fayal, and gives me only time to write a few lines. On Sunday evening last I informed you by the brig Water Witch of the capture of several American vessels by the confederate steamer Alabama, Captain Semmes, viz: Ship Ocmulgee, Captain Osborn; bark Ocean Rover, Captain Clark; bark Alert, of New London, Captain Church; schooner Weather Gauge, Captain Small of Provincetown; schooner Starlight, Captain Doane. The masters and crews are all on shore here. There are also five American whalers lying at anchor, afraid to proceed on their voyage, viz: Bark Eagle, Captain Allen; bark Osceola; bark Gratitude; ship George Howland, and two others. Captain Doane and Captain Small go by this opportunity, and will give you more information. I again beg you will send a vessel for the masters and crews who are now on shore here.

Provisions are getting short, and consequently high, and the inhabitants wish to get quit of them. There are some men going by this opportunity by the next vessel I will send their names.

JAMES MACKAY, JR.

CHARLES W. DABNEY, Esq.,

P. S. (By Mr. Dabney, apparently.)—Since receiving the above the following vessels have been heard of as burnt by the Alabama or some other confederate steamer near Flores: Schooner Altamaha, of Sippican; schooner Admiral Blake, of Sippican; bark Benjamin Tucker, of New Bedford; bark Osceola, Captain Hogan; and the Courser, supposed to be of New Bedford; all engaged in the whaling business.

FAYAL, *September* 19, 1862.

Mr. Seward to Mr. Adams.

No. 383.] DEPARTMENT OF STATE,
Washington, October 27, 1862.

SIR: You will receive herewith the resolutions of the Chamber of Commerce of the State of New York, on the subject of the recent destruction at sea of American vessels near the Azores by pirates, who went forth upon that unlawful errand from British ports and waters.

You will judge how far the submission of these resolutions, which are so just in themselves, and so humane, to the notice of Earl Russell may conduce to the desired ends of redress for the past and prevention for the future which are indicated in another instruction sent to you under this date.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Circular—No. 27.]

DEPARTMENT OF STATE,
Washington, October 27, 1862.

To the diplomatic and consular representatives of the United States:

Under the leave of the President, I transmit herewith loyal, patriotic, and humane resolutions which have been adopted by the Chamber of Commerce of the State of New York in relation to the late destruction of American vessels in the vicinity of the Azores, by vessels built, equipped, armed, manned, and dispatched for that enterprise in the ports of a friendly nation.

Representations upon the same subject have been made by this department to the government of Great Britain. It will, therefore, not be expected that you shall publish these resolutions or adopt any official proceedings thereon, but will regard them as sent to you simply for your own information with reference to the condition of public sentiment in our country.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At a meeting of the Chamber of Commerce of the State of New York, held to consider what action, if any, should be taken in consequence of

the burning at sea by the steamer Alabama of the ship Brilliant and other vessels, the following resolutions were unanimously adopted, to wit:

Resolved, That this chamber has heard with profound emotion the graphic account given by Captain Hager of the burning of the ship Brilliant, on the 3d day of October instant, a portion of which is in the following words:

"At sunset the Brilliant was fired—at 7 p. m. was in flames fore and aft, the E. F. lying about a mile from her. The ship continued to burn all night. In the morning the steamer was close at hand, and the ship seen the afternoon before had worked up to the burning wreck during the night, probably with the expectation of saving life, but at daylight found herself in the clutches of her destroyer! It continued calm during all day, and but a light air during the night. Towards midnight a bright light was seen in the direction of the steamer, and it is more than probable it was from the third ship."

Resolved, That in view of this atrocity, it is the duty of this chamber to announce, for the information of all who are interested in the safety of human life—the life of shipwrecked passengers and crews—that henceforth the light of a burning ship at sea will become to the American sailor the signal *that lures to destruction*, and will not be, as in times past, the *beacon* to guide the generous and intrepid mariner to the rescue of the unfortunate.

Resolved, That henceforth self-preservation will be the first dictate of prudence, as it is the "first law of nature," and, consequently, that the destruction of the Brilliant can be only characterized as a crime against humanity; and all who have knowingly and willingly aided and abetted must be considered as participators in the crime.

Resolved, That this chamber has not failed to notice a rapid change in British sentiment, transforming a friendly nation into a self-styled "neutral" power—the nature of which neutrality is shown in permitting ships to go forth with men, and in permitting an armament to follow them, for the detestable work of plundering and destroying American ships; thus encouraging upon the high seas an offense against neutral rights, on the plea of which, in the case of the Trent, the British government threatened to plunge this country into war.

Resolved, further, That the outrage consigning to destruction by fire, without adjudication, British and American property together, is an aggravation of the offense against the rights of neutrals, and ought to be denounced as a *crime* by the civilized nations of the world.

Resolved, That this chamber has heard with amazement that other vessels are fitting out in the ports of Great Britain to continue the work of destruction begun by the Alabama—an enormity that cannot be committed on the high seas without jeopardizing the commerce and peace of nations.

Resolved, further, That it is the duty of this chamber to warn the merchants of Great Britain, that a repetition of such acts as the burning of the Brilliant, by vessels fitted out in Great Britain, and manned by British seamen, cannot fail to produce the most wide-spread exasperation in this country; and hence they invoke the influence of all men who value peace and good will among the nations to prevent the departure of other vessels of the character referred to from their ports, and so to avert the calamity of war.

Resolved, That it is the desire of this chamber, as it is the interest of all its members, to cherish sentiments of amity with the people of Great Britain, to maintain those cordial relations which have led to profitable

intercourse, and to strengthen the ties that knit them together in mutual courtesy and respect.

Resolved, That copies of the foregoing preamble and resolutions be sent to the Hon. Secretary of State of the United States, and to the Boards of Trade of London and Liverpool, and that the Secretary of State be requested to transmit copies of the same to the diplomatic agents of the United States for distribution in other commercial countries.

I hereby certify that the foregoing is a true copy of the resolutions from the minutes of the chamber.

JOHN AUSTIN STEVENS, JR., *Secretary.*

Mr. Seward to Mr. Adams.

No. 384.] DEPARTMENT OF STATE,
Washington, October 30, 1862.

SIR: I send herewith a communication which has been received at this department from the Secretary of the Navy, giving information of a breach of international obligations by the commander of her Britannic Majesty's gunboat Bull Dog, in July last, by transporting from Nassau to Bermuda one Peagram and seven other persons, who were proceeding from this country to England to take commands in the gunboat 290, a steam war vessel then being built, manned, and equipped in, and since dispatched from, a British port, and since engaged in committing depredations on American commerce on the high seas, equally in violation of the treaties existing between Great Britain and the United States, the law of nations, and the laws of Great Britain.

The President desires that you will bring the subject to the notice of Earl Russell, and ask that an examination of the case may be instituted, and that such redress may be thereafter afforded to the United States as the result of the investigation shall give them a right to expect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *October* 29, 1862.

SIR: I have the honor to transmit herewith a copy of a communication received from Rear-Admiral Charles Wilkes, commanding the West India squadron, reporting the infraction of the neutrality regulations by the commander of her Britannic Majesty's gunboat Bull Dog, in transporting officers from Nassau to Bermuda, in July last, on their way to England to take charge of vessels about to fit out there under the rebel flag.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Rear-Admiral Wilkes to Mr. Welles.

No. 4.] FLAG STEAMER WACHUSETT,
Havana, October 11, 1862.

SIR: I have to communicate to the department the infraction of the neutrality regulations by the commander of her Britannic Majesty's gunboat Bull Dog, in transporting Captain Pegram and seven officers from Nassau to Bermuda, in July last, on their way to England to take charge of the 290, or other vessels about to fit out there under the secesh flag, and that I have but little doubt that the officials, both at Nassau and Bermuda, were aware of and assented to the violation. This information I have from most reliable authority—those who knew Captain Pegram and Lieutenant Bennett well, and witnessed their arrival at Bermuda and embarkation on board the mail packet for Halifax. They staid but a few hours at Bermuda.

I am, very respectfully, your obedient servant,

CHARLES WILKES,
Rear-Admiral, Commanding West India Squadron.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Mr. Seward to Mr. Adams.

[Extract.]

No. 385.] DEPARTMENT OF STATE,
Washington, November 3, 1862.

SIR: * * * * * * *

The telegraph announces the destruction of another half dozen American vessels on the high seas by the steamer 290. The President is obliged to regard these destructions as being made by British subjects in violation of the law of nations, after repeated and ample notice, warning, and remonstrances had been given by you to the British government. It is presumed that you have already brought the subject in that light to the notice of her Majesty's government. The legal proofs in support of a claim for indemnity will be collected and transmitted to you as speedily as possible.

* * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 390.] DEPARTMENT OF STATE,
Washington, November 4, 1862.

SIR: Your dispatch of October 16 (No. 242) has been received. The President regrets that he is unable to find in the proceedings of her Majesty's government satisfactory evidence that it proposes to render redress to the United States for the injuries sustained by their citizens in the arming, fitting out, and dispatch of the 290 on her errand of

commercial devastation, or to prevent injurious enterprises of the same character from being carried into execution. Nevertheless, still trusting that the government of Great Britain may come, after careful consideration, to think the subject worthy of a revision, the evidence in the case of the 290, as it shall be received, will be transmitted to you to be laid before Earl Russell. You will, in the meantime, communicate the effect of this dispatch to his lordship.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 257.] LEGATION OF THE UNITED STATES,
London, November 6, 1862.

SIR: From representations made by Mr. Dudley, the consul at Liverpool, which lead to the belief that the pirate 290 is about to return to its old cruising ground off the Western Islands, I have been induced once more to call the attention of the officers of the Tuscarora and Kearsarge to the necessity of protecting the trade from India. I fear that neither of them separately, nor indeed both together, are any match for the shrewdness and enterprise of Captain Semmes, who has a vessel very capable of escaping from every risk of encounter. The exploits of this vessel by no means give rise to a feeling of entire satisfaction on this side of the water. A strong proof of this is to be found in the proceedings of the Chamber of Commerce at Liverpool, where is the greatest sympathy with the rebellion. Mr. Dudley will undoubtedly furnish you with a copy of them. The leading newspapers in London have discussed the subject according to their biases; but not without betraying a good deal of misgiving as to the position of their government in respect to it, although they are evidently without the knowledge of all the facts. I am told, though not by authority, that some parties who yet hold an interest in her, from not having been paid, have taken advice as to the extent of their responsibility in case of reclamations being made. Having myself considered from the outset such a proceeding probable, I have shaped my course in my correspondence with Lord Russell mainly to the preparation of a record to sustain it.

The activity in forwarding supplies of all sorts to the British islands continues unabated. I learn that orders from Charleston to procure Armstrong and Whitworth guns, at any cost, are in process of execution in anticipation of an expected attack on that point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 396.] DEPARTMENT OF STATE,
Washington, November 10, 1862.

SIR: Your dispatch of the 23d of October (No. 244) has been received. The President regrets that her Majesty's government has not more favorably considered our complaints against the violations of municipal and international law, committed by British subjects under the British

flag, in the case of the steamer 290, or Alabama. It is to be apprehended that attempts by the same and similar vessels to repeat the same injuries will ultimately require a more deliberate consideration of the subject than the government now seems willing to accord.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 157.] UNITED STATES CONSULATE,
Liverpool, November 11, 1862.

SIR: * * * * * *

I addressed a note yesterday to Mr. Squarey, my lawyer, on the subject of the 290, and my efforts to arrest her. I inclose you, marked Nos. 2 and 3, copies of my note and his answer. He agrees with Mr. Collier that the case made was sufficient, and confirms the report which I made at the time to the department, that I had done everything I could do to stop her.

* * * * * * *

It is understood here that the Lairds still have an interest in this vessel, the Alabama. I am inclined to believe it is true, but there is no way to get at the fact. She sailed without register or papers of any kind, consequently there is no record or anything of a public nature showing her owners. All the married men on her receive half pay to their families. The payments, I understand, are made by Fraser, Trenholm & Co. It would not surprise me to learn that she was entirely owned by Englishmen.

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I have the honor to be, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Squarey.

UNITED STATES CONSULATE,
Liverpool, November 9, 1862.

SIR: At the time we made the fruitless effort to stop the sailing of the steamer 290, now called the Alabama, I understood from both you and Mr. Collier that the case we made before the collector was quite sufficient for him to detain this vessel, and that in your opinions it was his duty to do so. My instructions, as you will remember, to you and Mr. Collier were to arrest her sailing, if possible, without regard to costs or expense, and I understood from both of you at the conclusion of the matter that everything had been done that could be on our parts to stop her, and that I, as consul, could do no more. You will recollect I put the question directly to you if there was anything more that I could do, to which you answered, there was not. Will you do me the favor to state whether my understanding of this matter is correct, and oblige—

Very respectfully, your obedient servant,

THOMAS H. DUDLEY.

A. T. SQUAREY, Esq.

Mr. Squarey to Mr. Dudley.

10 WATER STREET, LIVERPOOL,
November 11, 1862.

SIR: I have to acknowledge the receipt of your letter of the 9th instant, in reference to the gunboat No. 290, now known as the Alabama. In reply I beg to state that in accordance with your instructions everything was done that could possibly be done to prevent that vessel from leaving this port. You impressed upon me in the strongest manner your desire that no effort should be spared to stop the vessel, and I can most positively affirm that nothing was left undone to attain that end. The letters addressed by me at the time to yourself, and to the American minister, explain in detail the steps which were adopted, and it is not necessary probably to recapitulate them now. In my judgment, the evidence which was laid before the board of customs and the law officers of the Crown was quite sufficient to justify the detention of this ship, under the provisions of the foreign enlistment act. Indeed, I can scarcely suppose it possible to procure stronger evidence in any case of the same kind. I may also remind you that Mr. Collier, Q. C., the counsel to the admiralty, to whom all the papers were submitted, advised that the evidence was clearly sufficient to justify the board of customs in detaining the vessel.

I am, sir, your very obedient servant, for partners and self,
A. T. SQUAREY.

THOMAS H. DUDLEY, Esq.,
American Consul, Liverpool.

Mr. Adams to Mr. Seward.

[Extract.]

No. 260.] LEGATION OF THE UNITED STATES,
London, November 13, 1862.

SIR: Your dispatch (No. 381) of the 25th October covered copies of many papers received from Mr. Harvey, at Lisbon, touching the piratical depredations committed by the gunboat 290 off the Western Islands, which I am instructed to bring before the notice of Lord Russell in such manner as shall seem best calculated to effect two objects—first, due redress for the national and private injuries sustained; and secondly, a prevention of such lawless and injurious proceedings hereafter.

I shall take the earliest opportunity to execute these orders, and, at the same time, to add other papers which have been furnished to me by Mr. Dudley, the consul at Liverpool, embracing still other cases of a similar character. Even without the addition of this evidence I have reason to suppose that the attention of the government here has been much drawn to the difficulty in which the acts of this vessel have involved them. There are statements current in the newspapers that they have actually stopped a vessel at Cork laden with supplies for the rebels, and have likewise prohibited the shipment of arms in the steamers going to New York. With respect to the latter part of the story, it seems to be admitted that the agents of those steamers no longer consent to receive them, though a different reason is given for it—the fear of some threat by Captain Semmes of what he would do if he found them on board. I am quite incredulous as to any disposition of that personage or of his

owners in Liverpool voluntarily to incur the risk of difficulty with the authorities in England. * * * * *

The only noteworthy circumstance in this connection seems to be the great difference in the amount of evidence required to establish the destination in the respective cases. Although the equipment of vessels and cargoes from various ports of this kingdom, with the intent to run the blockade, has been so notorious for a year past that the instances have become a frequent item of newspaper gossip, the difficulty of establishing the proof by the necessary evidence has been constantly urged in extenuation of a refusal to do anything at all to check them. And the moment a determination to do something is arrived at, the first manifestation of it appears to be against the party that has committed comparatively no offense, and whose limited operations have never acquired notoriety.

In the interview which I am to have with Lord Russell on Saturday, for the consideration of another matter, I hope to be able, incidentally, to gain a more complete insight into this.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 399.] DEPARTMENT OF STATE,
Washington, November 14, 1862.

SIR: Your dispatch of October 28 (No. 250) has been received. The President is gratified with the indications of the appearances of a less intolerant opinion in the political circles of Great Britain, to which you have directed his attention. It is surely quite time that there should be a change. Think, for a moment, of the singular transaction in which this government is now actually engaged, namely, the fortifying of New York harbor to resist a piratical expedition coming from Liverpool—Liverpool, a chief port of a great nation with whom we are at peace, to whose capitalists we are sending gold, and whose sufferings we are supplying with bread. It seems too strange to believe, and yet what menace of this kind can we discredit after the experience of our merchantmen destroyed on the high seas by the Alabama?

Lord Lyons has arrived and he has been received as he deserves, with a friendly and a cordial welcome.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extracts.]

No. 262.] LEGATION OF THE UNITED STATES,
London, November 20, 1862.

SIR: I have to acknowledge the reception from the department of dispatches numbered from 383 to 388, inclusive. * * * I am directed

in these dispatches to make representations to the British government in three forms:

1. By No. 386, I am to protest against the construction of war vessels for the use of the rebels in the ports of this kingdom.

2. By No. 383, to present a copy of the resolutions of the Chamber of Commerce of New York on the depredations committed by the pirate 290 on American shipping.

3. By No. 384, to bring to its notice the conduct of the commander of her Majesty's gunboat Bull Dog, as described in a letter of Rear-Admiral Charles Wilkes to the Secretary of the Navy.

Being engaged at this moment in the preparation of a note to Lord Russell, in execution of your prior instructions contained in dispatch No. 381, and intended to present the whole case of the government in respect to the action of No. 290, which, on account of its great importance, I have taken time to mature, I rather incline to postpone action on the other topics for a little while. I am led to do this, not simply because it does not seem to me the most propitious moment to multiply causes of offense with this court, but because there are accidental obstacles to my action in some of the dispatches themselves.

* * * * * * * * *

For the various reasons thus enumerated, I shall venture to postpone, at least for the present, any particular remonstrance based on these later dispatches. Much of the general subject will indeed be covered by the note to which I have alluded as already prepared.

The telegraphic dispatch by the Edinburgh, which appears in all the morning newspapers, contains a report of the substance of a letter addressed by you to the Chamber of Commerce of New York on the depredations of No. 290, which announces that the minister at London had been directed to make reclamations of the British government. This intelligence has had a little effect in commercial circles here, it being charitably construed as symptomatic of a desire to create difficulties with England to counteract the tendency of the elections at home. For this reason I am glad that a sense of the importance of the proceeding has happened to delay my preparation of the note I propose to present until after this news was received. That note was finished yesterday, and is now in the hands of the secretary, who is preparing a fair copy for my signature. A copy will likewise accompany this dispatch. Lord Russell is not altogether unprepared for the reception of something of the kind, as in the last conference which I had with him, on Saturday, I apprised him that I had received a mass of testimony, upon which I was instructed to make a further representation on the subject. The labor of copying all the papers, with the present abridged force in the legation, has also contributed to the delay.

In the precise conjuncture of affairs in Europe it is a little unfortunate that this difficulty should interpose itself between Great Britain and the United States. I am rather inclined to treat it as a question of right and wrong, to be settled after amicable discussion at a convenient time hereafter, and not as a cause of immediate and pressing urgency. * *

The publication of the notes of the three powers on the question proposed by France seems to have had an important influence upon opinion all over Europe. * * * As a consequence, there has been a slight tendency to reaction towards the cause of the United States. This has likewise been, to some extent, re-enforced by an active revival of the anti-slavery feeling among the people at large. I am particularly anx-

ious at this time to avoid action which should have the smallest effect to modify this current.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Dispatch from Mr. Seward to Mr. Adams, No. 386, November 3, 1862, printed under "Enforcement of Neutrality," subdivision "Laird's Ironclads," Vol. II, p. 318.]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 20, 1862.

MY LORD: It is with very great regret that I find myself once more under the necessity of calling your lordship's attention to the painful situation in which the government of the United States is placed by the successive reports received of the depredations committed on the high seas upon merchant vessels by the gunboat known in this country as No. 290, touching the construction and outfit of which in the port of Liverpool for the above purpose I had the honor of heretofore presenting evidence of the most positive character.

It is my duty now to submit to your consideration copies of a large number of papers received from Washington, as well as from the consul at Liverpool, all of which concur in establishing the truth of the allegations made by me of the intentions of that vessel prior to her departure from the ports of this kingdom. I then averred that the purpose was to make war upon the people of the United States, a nation with which Great Britain has now been for half a century, and still is, on a footing of the most friendly alliance, by the force of treaties which have received the solemn sanction of all the authorities regarded among men as necessary to guarantee the mutual obligations of nations. That I made no mistake in that averment is now fully proved by the hostile proceedings of that vessel since the day she sailed from the place in this kingdom where she was prepared for that end.

It now appears from a survey of all the evidence—first, that this vessel was built in a dock-yard belonging to a commercial house in Liverpool, of which the chief member, down to October of last year, is a member of the House of Commons; secondly, that from the manner of her construction and her peculiar adaptation to war purposes, there could have been no doubt by those engaged in the work, and familiar with such details, that she was intended for other purposes than those of legitimate trade; and thirdly, that during the whole process and outfit in the port of Liverpool, the direction of the details, and the engagement of persons to be employed in her, were, more or less, in hands known to be connected with the insurgents in the United States. It further appears that since her departure from Liverpool, which she was suffered to leave without any of the customary evidence at the custom-house to designate her ownership, she has been supplied with her armament, with coals and stores and men by vessels known to be fitted out and dispatched for the purpose from the same port, and that, although commanded by Americans in her navigation of the ocean, she is manned almost entirely by English seamen, engaged and forwarded from that port by persons in league with her commander. Furthermore, it is

shown that this commander, claiming to be an officer acting under legitimate authority, yet is in the constant practice of raising the flag of Great Britain, in order the better to execute his system of ravage and depredation on the high seas. And lastly, it is made clear that he pays no regard whatever to the recognized law of capture of merchant vessels on the high seas, which requires the action of some judicial tribunal to confirm the rightfulness of the proceeding; but, on the contrary, that he resorts to the piratical system of taking, plundering, and burning private property without regard to consequences or responsibility to any legitimate authority whatever.

Such being the admitted state of the facts, the case evidently opens a series of novel questions of the gravest character to the consideration of all civilized countries. It is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports to the injury of another nation with which it is at peace, with any known theory of moral or political obligation. It is equally clear that the reciprocation of such practices could only lead in the end to the utter subversion of all security to private property upon the ocean. In the case of countries geographically approximated to one another, the preservation of peace between them for any length of time would be rendered by it almost impossible. It would be, in short, permitting any or all irresponsible parties to prepare and fit out in any country just what armed enterprises against the property of their neighbors they might think fit to devise, without the possibility of recovering a control over their acts the moment after they might succeed in escaping from the particular local jurisdiction into the high seas.

It is by no means my desire to imply an intention on the part of her Majesty's government to countenance any such idea. I am fully aware of the fact that at a very early date, more than one month before the escape of the vessel, on my presenting evidence of the nature and purposes of the nameless vessel, together with the decided opinion of eminent counsel that a gross violation of the law of the land, as well as a breach of the law of nations, was in process of perpetration, an investigation was entered into by the law officers of the Crown, which resulted in an acknowledgment of the justice of the remonstrance. In consequence of this, I am led to infer, from the language of your lordship's note of the 22d of September, explaining the facts of the case, that an order to detain the vessel at Liverpool was about to issue on the 29th of July last, when a telegraphic message was forwarded to you from that port to the effect that the vessel had escaped that very morning. Your lordship further adds that instructions were then immediately sent to Ireland to stop her should she put into Queenstown, and similar instructions were forwarded to the port of Nassau. But it has turned out that nothing has been heard of her at either place.

It thus appears that her Majesty's government had, from the evidence which I had had the honor to submit to your lordship's consideration, and from other inquiry, become so far convinced of the true nature of the enterprise in agitation at Liverpool as to have determined on detaining the vessel. So far as this action went, it seems to have admitted the existence of a case of violation of the law of neutrality in one of her Majesty's ports of which the government of the United States had a right to complain. The question will then remain, how far the failure of the proceedings, thus admitted to have been instituted by her Majesty's government to prevent the departure of this vessel, affects the right of reclamation of the government of the United States for the grievous

damage done to the property of their citizens in permitting the escape of this lawless pirate from its jurisdiction.

And here it may not be without its use to call to your lordship's recollection for a moment the fact that this question, like almost all others connected with the duty of neutrals in time of war on the high seas, has been much agitated in the discussions heretofore held between the authorities of the two countries. During the latter part of the last century it fell to the lot of her Majesty's government to make the strongest remonstrances aginst the fitting out in the ports of the United States of vessels within an intent to prey upon British commerce—not, however, in the barbarous and illegal manner shown to have been practiced by No. 290, but subject to the forms of ultimate adjudication equally recognized by all civilized nations. And they went the further length of urging the acknowledgment of the principle of compensation in damages for the consequences of not preventing the departure of such vessels. That principle was formally recognized as valid by both parties in the 7th article of the treaty of the 19th November, 1794; and, accordingly, all cases of damage previously done by capture of British vessels or merchandise by vessels originally fitted out in the ports of the United States were therein agreed to be referred to a commission provided for by that treaty to award the necessary sums for full compensation.

I am well aware that the provisions of that treaty are no longer in force; and that even if they were, they bound only the United States to make good the damage done in the precise contingency then occurring. But I cannot for a moment permit myself to suppose that her Majesty's government, by the very act of pressing for the recognition of the principle in a treaty, when it applied for its own benefit, did not mean to be understood as equally ready to sustain it, at any and all times, when it might be justly applied to the omission to prevent similar action of British subjects within its own jurisdiction towards the people of the United States.

But I would beg further to call your lordship's attention to the circumstance that there is the strongest reason to believe that the claim for compensation in cases of this kind was not pressed by her Majesty's government merely in connection with the obtaining a formal recognition of the principle in an express contract. This seems to have been but a later step, and one growing out of a previous advance of a similar demand, based only on general principles of equity, that should prevail at all times between nations. Here again it appears that the government of the United States, having admitted a failure down to a certain date in taking efficient steps to prevent the outfit in their ports of cruisers against the vessels of Great Britain, with whom they were at peace, recognized the validity of the claim advanced by Mr. Hammond, his Majesty's minister plenipotentiary at Philadelphia, for captures of British vessels subsequently made by those cruisers even *on the high seas*. This principle will be found acknowledged in its full length in the reply of Mr. Jefferson, then Secretary of State of the United States, dated 5th September, 1793, to a letter from Mr. Hammond of the 30th August preceding--a copy of which is unfortunately not in my possession—but which, from the tenor of the answer, I must presume to have itself distinctly presented the admitted ground of the claim.

Armed by the authority of such a precedent, having done all in my power to apprise her Majesty's government of the illegal enterprise in ample season for effecting its prevention, and being now enabled to show the injurious consequences to innocent parties relying upon the security of their commerce from any danger through British sources ensuing

from the omission of her Majesty's government, however little designed, to apply the proper prevention in due season, I have the honor to inform your lordship of the directions which I have received from my government to solicit redress for the national and private injuries already thus sustained, as well as a more effective prevention of any repetition of such lawless and injurious proceedings in her Majesty's ports hereafter.

I pray your lordship to receive the assurances of the very high consideration with which I remain your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c.; &c., &c.

No. 1.

Mr. Osborn, jr., to Mr. Dabney.

FLORES, *September* 13, 1862.

DEAR SIR: I will inform you that the confederate steamer Alabama captured and destroyed my ship Ocmulgee, of Edgartown, with 260 barrels of sperm, two months out; also the Ocean Rover, the Alert, schooner Weather Gauge, and a schooner belonging to Captain Doane. I think that the best thing that could be done for the United States government would be to dispatch a vessel to Gibraltar and inform the captain of the Tuscarora, as he is now watching the Sumter, as I have papers to the 20th of August stating that he was still watching the Sumter. The pirate says he will have your bark if he stops for two months, as he said that you would not give him any coal when he was at Fayal. He says, he will have the whole fleet of whalers, and intends to stop here about a month, and you see, sir, that there will be plenty of time to dispatch a vessel to Gibraltar and inform the captain of the Tuscarora, and he will come down here and take him. What I have written is the wish of all the shipmasters.

Yours, &c.,

ABM. OSBORN, JR.,
D. R. ALLEN,
Master of bark Eagle, of New Bedford.
WM. SMITH,
Master of ship Black Eagle.

No. 2.

Mr. Mackay, jr. to Mr. Dabney.

FLORES, *September* 16, 1862.

DEAR SIR: This moment the brig Hortense arrived from Fayal, and gives me only time to write a few lines. On Sunday evening last I informed you, by the brig Water Witch, of the capture of several American vessels by the confederate steamer Alabama, Captain Semmes, viz: Ship Ocmulgee, Captain Osborn; Ocean Rover, Captain Clark; bark Alert, of New London, Captain Church; schooner Weather Gauge, Captain Small, of Provincetown; schooner Starlight, Captain Doane. The masters and crews are all on shore here. There are also five American whalers lying at anchor afraid to proceed on their voyage, viz: Bark

Eagle, Captain Allen; bark Osceola, bark Gratitude, ship George Howland, and two others. Captain Doane and Captain Small go by this opportunity, and will give you more information. I again beg you will send a vessel for the masters and crews who are now on shore here. Provisions are getting short, and consequently high, and the inhabitants wish to get quit of them. There are some men going by this opportunity. By the next vessel I will send their names.

JAMES MACKAY, JR.

P. S. (By Mr. Dabney, apparently.)—Since receiving the above, the following vessels having been heard of as burnt by the Alabama, or some other confederate steamer near Flores: Schooner Altamaha, of Sippican; schooner Admiral Blake, of Sippican; bark Benjamin Tucker, of New Bedford; bark Osceola, Captain Hogan; and the Courser, supposed to be of New Bedford. All engaged in the whaling business.

FAYAL, *September* 19, 1862.

No. 3.

Deposition of Samuel H. Doane.

CONSULATE OF THE UNITED STATES FOR THE AZORES,
Fayal, September 19, 1862.

Samuel H. Doane, late master of schooner Starlight, of Deer Island, deposes on oath as follows:

On the 7th of September, 1862, I was on board the Starlight, Santa Cruz, Flores, bearing northwest five miles, when a steamer bearing a British man-of-war flag approached from the southwest, and when within one mile and a half fired a lee gun. As I saw a ship in shore, I thought the gun was fired at her. The steamer then hauled down the English flag, fired a weather gun, shotted, at me, the ball passing between my mast, and then hoisted the confederate flag. I then hoisted the American ensign and kept on towards Santa Cruz, when he fired again at me, and the ball passed within two feet of the main topmast. Seeing escape hopeless I hove to. He then sent a boat aboard, and the officer ordered me to take my papers and go aboard the steamer in his boat, which I did; the officer with men remaining on board the schooner. My schooner was laden with passengers for Boston, men and women, mostly Portuguese. When I got aboard the steamer I was taken to the cabin, when the lieutenant said to me, presenting me to the commander, "This is Captain Semmes." The commander was a medium size man, slim, with grey hair, moustache, and imperial, dressed all in grey. The officers were in blue with navy buttons.

The captain, after examining my papers, ordered me to return to the schooner and bring all Americans on board. When we came aboard we were put on one side of the deck and asked where we belonged. Finding we were all northerners he put us all in irons without asking us to enlist. We were not otherwise abused. We were allowed nearly all our clothes, but they took my instruments, charts, and money. We were kept in irons for about eighteen hours. The passengers were left on board the schooner. We were taken about 6 p. m., the 7th instant, and on the 8th, at 11 a. m., were set adrift in our own boat, when about three miles from Flores, and pulled to shore. The passengers were previously landed by the steamer's boats. Before I left the schooner I returned the passage money to as many of the passengers as I could,

distributing all I had except one hundred dollars. This being reported to Captain Semmes, he said in my hearing that he would have them all searched in the morning, and would take all he could find; but the next morning there being other vessels in sight, he concluded to set them ashore in haste, to be at liberty to chase the other sails. The steamer is wooden, and not iron-plated, long, narrow, and straight, low in the water, bark-rigged; some think her barkantine-rigged when her mainsail is not set, as the mainmast has a long drop; but I am positive that the mainsail is square. Her armament consists of six 32-pounders, and two large 8-inch pivot guns amidships, the forward rifled. I saw the rifling. Hemp sails, wire rigging. She may be known by the long drop to her fore and mainsails, and her topgallant sails being broad, and with very short hoist. The master-at-arms said there were seventy-eight aboard, all told. I counted fifty-two seamen and twelve firemen. All the men forward are English and Irish, no Americans. The officers are southerners, and, with the exception of the captain and first lieutenant, seem ignorant of their sea duties. The discipline on board was not very good, though the men seemed to be good seamen. They were over an hour setting the two topgallant sails. The men appeared to be dissatisfied. The master-at-arms and several seamen told me that there was another steamer named the Barcelona in company, commanded, they said, by Coxetter. They said she was near Fayal, and they expected to meet her soon. Some of the men said they were going south to look after whalers, as they were well posted about the cruising grounds. The English engineer told me that they expected more men in a few days. The officers said they were bound to have Mr. Dabney's bark Azor if they stopped around for a month.

SAMUEL H. DOANE.

No. 4.

Deposition of George W. Luce.

CONSULATE OF THE UNITED STATES FOR THE AZORES,
Fayal, September 19, 1862.

George W. Luce, late first mate of the whaling ship Ocmulgee, of Edgartown, deposes as follows: On the 5th of September, 1862, I was on board the Ocmulgee. At noon, after a chase for whales, we had one large whale alongside, were about forty-five miles due west of Vico; a steamer, bearing the British man-of-war colors, approached under sail from the southeast, and fired a lee gun when about three miles from us; then came near, hove to, and sent a boat aboard of us. The officer in charge, the second lieutenant, said that he was sorry to inform us that we were a prize to the confederate steamer Alabama. He told our captain to take his papers and go aboard the steamer, which he did. He told us to cast the whale adrift, but as we could not do it immediately he ordered me to follow the steamer as we were. In about an hour our captain returned, accompanied by the steamer's first lieutenant, who told us to go aboard the steamer, and that the captain and I could take a trunk of clothes apiece, but that the rest of the ship's company could only have a bag each, as they did not want to be lumbered up. We went aboard in our boats, which they took in tow after using them to bring some stores, cordage, &c., from the ship to the steamer. Both vessels lay together, head yards aback, all night, they intending to take more provisions from our ship; but at daylight they raised four vessels, and

determined to start in pursuit at once; therefore, shooting the two dogs, which had been the only living things left aboard our ship, they set her on fire and left her. They then made sail and chased a ship which proved to be French, and another which proved to be English, while the other two proved to be so far to windward that they could not reach them without getting up steam, which they did not wish to do. All the time we were aboard they had their propeller hoisted up, and they worked under sail, though they kept their fires banked. All our officers were put in irons; the crew were not. We were kept on deck under a sail, and treated without other abuse than being ironed. Our food was rather poor, but it was said to be like the men's rations. We were kept aboard about fifty-two hours, and when about six miles from Flores they let us go ashore in three of our own boats. Just after we left the steamer we saw her take the schooner Starlight, just before dark on the 7th of September. The discipline aboard the steamer was very poor. The master-at-arms told me that there was another steamer in company, and not far off, both built in Liverpool, and alike. I heard some of our men say that they were told aboard the steamer, that she, the Alabama, was the "290." The master-at-arms, and third lieutenant, and a midshipman said they were bound to have Mr. Dabney's bark Azor because he would not sell them coal.

GEORGE W. LUCE.

I, Benjamin Dexter, second mate aboard the Ocmulgee, having heard the above statement read, corroborate it in all particulars, and furthermore testify that the master-at-arms of the Alabama told me she was the "290."

BENJAMIN DEXTER.

FAYAL, *September* 19, 1862.

I, Elijah Johnson, boat-steerer aboard the Ocmulgee, having heard the above statement read, confirm it in every particular, and furthermore state that I was told by some of the Alabama's crew that they had received their guns from a bark close by Terceira, which bark was going to bring her six more guns as well as ammunition, and coal, and men. The crew of the Alabama was English and Irish; the officers southerners; the second lieutenant, a slim, very young man, they said was Jeff. Davis's son.

his
ELIJAH × JOHNSON.
mark.

No. 5.

Memorandum.

CONSULATE OF THE UNITED STATES FOR THE AZORES,
Fayal, September 19, 1862.

The schooner Weather Gauge, of Provincetown, was captured by the Alabama near Flores, on the evening of the 9th of September, and was burned on the 11th instant; the captain, Samuel Small, and his crew being put ashore at Flores after they had given their parole not to serve against the South till exchanged. Captain Small, in his deposition, states the same facts, and gives the same description of the Alabama

and her officers as Captain Doane, Mr. Luce, &c. In addition he states the guns to be of English make, some bearing the name of —— Preston & Co. He also states that the Alabama's steering-wheel is forward of the mizzenmast, and bears the inscription "Aide toi et Dieu t'aidera."

No. 6.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, October 30, 1862.

SIR: I have the honor to inclose you copies of the depositions of Captain Julius, of the ship Tonawanda, Captain Harmon, of the bark Wave Crest, and Captain Johnson, of the brig Dunkirk. They detail the capture of their respective vessels by the rebel privateer Alabama, late "290."

I am, &c.,

THOMAS H. DUDLEY.

No. 7.

Deposition of Theodore Julius.

I, Theodore Julius, master of the ship Tonawanda, of Philadelphia, being sworn, say:

I sailed with said ship from Philadelphia on the 30th of September, bound for Liverpool. We got along very nicely after leaving the Capes, with very fine weather and the prospect of a short passage, till the 9th instant at 4 p. m., when, in latitude 40° 30′ north, and longitude 54° 30′ west, we were captured by the rebel steamer Alabama. I was taken on board of her, and officers left in charge of the ship. When I got on board I found the captain and crew of bark Wave Crest, from New York for Cardiff, and brig Dunkirk, from New York for Lisbon, all prisoners on deck and all in irons, their vessels having been burned two days previously. There was a brig in sight at this time, and the steamer made sail, our ship following. When everything was trimmed, I was conducted into the cabin, where I found Captain Semmes, the first lieutenant, and captain's clerk. After asking a few desultory questions, I was put on oath to answer. I found that our women passengers were a great trouble to them, and I built good hopes from that that we should get clear. I offered to draw on Brown, Shipley & Co. for a reasonable sum to let the ship off, but that was no use, as the captain said they had plenty of money, and at any rate Brown, Shipley & Co. would not pay, notwithstanding anything I might assert to the contrary. I was taken forward among the prisoners to await the issue of the chase. The captain's clerk conducted me, and I had a long conversation with him, during which I was very much on my guard, and I found that he was very intimate with a friend of mine at New Orleans. I temporized, &c., and am certain I created a favorable impression. The chased brig, after boarding, proved to be English. We were then hove-to, and I was sent for into the cabin, where the same parties were present as before. The captain told me that had the brig proved American he would have put

us all on board and burned the Tonawanda. I told him that on account of the women and children on board with their luggage that would have proved a very dangerous business, as there was considerable sea on. He then told me he would take a ransom bond for the present, and that he would return it if he burned the ship. We had quite a controversy about the amount of the bond; he had ordered it filled up for $100,000, but eventually settled down to $80,000, for which amount it was given on the following conditions: "I am held and firmly bound, and I do hereby bind the said Thomas P. Cope and Francis R. Cope, their and my heirs, executors, and assigns, well and truly to pay unto the president of the Confederate States of America, for the time being, at the conclusion of the war, the amount of $80,000 current money of the said Confederate States; and the ship Tonawanda, her tackle and apparel, are hereby mortgaged for the payment of this bond." After giving the above, I gave my word of honor to follow the ship, and was put on board the Tonawanda, about 9 p. m., and all persons belonging to the Alabama returned to her, with one colored boy, our passenger-cook, he belonging to Delaware, a slave State, and being without protection or free papers. We continued following in her wake till noon, the 10th, when they made signals they were going to send a boat on board. When the boat came, I was ordered to go on board the steamer again, and to take some change of clothes with me, as I should stay some days. At the same time we were ordered to send two of our boats to remove the prisoners from the Alabama to our ship, all of which was done, and all the prisoners of all the vessels, ours included, signed a parole. When I got on board, the captain sent for me on the quarter-deck, when we had a very long conversation on nearly all subjects connected with the war. He apologised for my having to remain on deck, as his own officers and crew had not sufficient accommodation; but on consideration of my giving my word not to converse with the officers of the ship, he allowed me to go about the ship without irons on, I being the only prisoner this cruise to whom that privilege was granted. He told me that he should keep me some days. If he took a prize not as valuable as ours, he would transfer us to her and burn our ship, but if she proved anything near our value, that our ship would be spared, but that he was very anxious to burn her. That night they chased and boarded a German ship. The afternoon of the 11th they captured and burned the ship Manchester, a more valuable prize than the Tonawanda; she was only one year old, had 60,000 bushels wheat, 110 bales cotton, &c., in her cargo. I was sent for to the cabin and told that the Tonawanda would certainly be released, but that he should keep her a few days longer to put some more prisoners on board; he considered her now a cartel in the employ of the confederate government. I argued the point that we would be very short of provisions and water, particularly the latter, as, with the Manchester's crew, we had about one hundred and seventy persons on board already; but he said I could easily accommodate two hundred and fifty, and he would see about water, &c. I then told him that as I was master of a cartel he ought to allow me to sleep on board below, as it would be murder to keep me on deck another night. He said he would be very glad to put me below if he had any place. His clerk spoke up and said they could make room for me in the steerage. Then the non-intercourse act was taken off, and I was permitted to go all over the ship, on deck or below, and to talk to whom I pleased. The 12th passed without seeing any sail. The 13th was dirty weather, with thick and rain; and I told the officers during the day, at every opportunity, that it would be thick that night, that they would certainly lose my ship, and that they had

better put me on board. That afternoon they were very much frightened, as we saw a ship under very easy sail, with a vane at her mainmast-head, which they took to be a pendant, and supposed her to be a disguised man-of-war. They cleared the ship for action, and got steam up ready for running. I was appealed to three different times, and a spy-glass handed to me, and I always pronounced it the same thing—not an American but a foreign merchant-ship. I was requested to go below during the action, but declined, as I was not a bit afraid. It proved to be a Spanish merchant ship. As soon as that was ascertained I was called aft again; the captain told me that if I would give my word of honor to proceed direct to Liverpool, and without any additions to provisions and water, he would let me go. I accepted, of course, being then, by their account, in latitude 40° 30′ and longitude 59° 38′ west, or over five degrees further west than when we were captured. I was put on board, and set sail for Liverpool at 6 p. m. I have a copy of the bond on board attested by the captain's clerk. The Alabama, or 290, is a splendid vessel, and the fastest under canvas I ever had my foot on board of, and I have no doubt she is under steam, as she has very powerful machinery. She is two hundred and twenty-five feet long, entirely built of wood—they say on board of teak. She is calculated to remain at sea as long as they like, as they condense all the water they use; it takes one pound of coal to make a gallon of water, and they have now three hundred tons of coal on board, and the instance mentioned before is the only time they raised steam since they have been out. I do not think there is a ship in our navy that can catch her. Her armament consists of six 32-pounders broadside guns, one 68-pounder midships between main and mizenmasts, and one 100-pounder rifled cannon midships forward of the mainmast. I judged there were about one hundred persons on board, mostly English man-of-war's men. I do not believe there is an American-born seaman on board. They are trying to ship all the men they can out of the prizes. They got some out of every ship's company that is now on board except our own ship, from which they took the black boy.

No. 8.

Deposition of John E. Harmon.

John E. Harmon, being sworn, says:

I was master of the bark Wave Crest, of New York, burden four hundred and eight tons. We sailed from New York 28th September last for Cardiff, laden with wheat and flour. Nothing remarkable happened until the 7th of October, at daylight of which, in latitude 40° 20′ north, longitude 54° 20′ west, we made a vessel to windward about a mile distant. She had a flag, but we could not make it out. When she saw us she fired a blank gun, and we hove to. She then sent a boat to us, and we made out the flag to be the rebel flag. The crew of the boat were armed, and the officers informed me that my vessel was a prize to the confederate steamer Alabama, and requested me to go on board the steamer with my papers. I accordingly went on board with my papers and delivered them to the captain, (Semmes.) He looked them over. He asked me if I was interested in the vessel, and some other questions which I don't remember. He then informed me he should destroy the vessel and cargo, and told me to go on board and pack up with my crew. I was then sent back on board with a boat's crew. About noon we were

taken on board the steamer and put in irons. They stripped the bark of what they wanted, and then commenced firing shells at her, but without effect. I did not see any strike her. About 4.30 p. m. a boat's crew were sent to set fire to her, which they did, and then made sail to the westward. We saw our vessel burning until 9 p. m.; her masts had fallen, and she was a mass of flame. The captain, while I was in the cabin, asked me to join him. He said as I was Maryland-born I ought; that he was a Marylander himself. I made him no answer. About 9 the same night the brig Dunkirk, of New York, was captured and destroyed, and her crew brought on board the steamer and ironed like ourselves. The Alabama kept working up to the westward, and on the 9th captured the Tonawanda, of Philadelphia. On the 11th she captured the Manchester, of New York, which was also burnt. The Tonawanda was kept in company, and on the 10th I and my crew were transferred to the Tonawanda, as well as the crew of the Dunkirk, on parole, which we signed after we got on board the Tonawanda. The Manchester's crew were put on board the next day. On the 13th the Tonawanda was released and proceeded to Liverpool, where we arrived on the 27th October. While I was on board the Alabama the crew were practiced at the guns two or three times. There did not seem to be much discipline. She was never under full sail with a good breeze while I was on board, but I should judge she could make twelve knots under canvas.

JOHN E. HARMON.

Sworn and subscribed to before me, at Liverpool, this 28th day of October, 1862.

THOS. H. DUDLEY, *Consul.*

We were all kept in irons on the deck of the Alabama. Had to sleep upon the deck. There was no distinction made between my sailors and myself, except they gave me a mattress to sleep on; the men had a board. All that we had to protect us from the weather was a piece of canvas. This did not do it; we were wet most of the time. The irons were kept upon us both day and night; were not taken off while we ate. We had to sleep in our wet clothes, not being able to take off our boots. There were nineteen of us confined to a space of about fifteen feet square. A guard with a sword and revolver were kept over us all the time.

JOHN E. HARMON.

Sworn and subscribed before me, at Liverpool, this 28th day of October, 1862.

THOMAS H. DUDLEY, *Consul.*

No. 9.

Deposition of Samuel B. Johnson.

On this 28th day of October, 1862, before me, Thomas H. Dudley, consul of the United States at Liverpool, personally came Samuel B. Johnson, from the State of New York, late master of the brig Dunkirk, of New York, and being duly sworn, says:

I was master of the brig Dunkirk, of New York, owned by C. & E. J. Peters, of the city of New York; that we sailed from New York the 29th of September with a cargo of flour and staves for Lisbon, in Portugal. The vessel had been chartered and loaded by Giro and Franceia, of New York. Nothing occurred until half-past 7 p. m., civil time, October 7,

when in latitude 40° 23′ north, and longitude 54° 30′ west, discovered a sail on the port bow standing to the westward. When nearly abeam the strange sail tacked, hauling up under our lee-bow, and fired a gun. Being then within a short range of his guns and no chance of escape, backed foretopsail, and was soon boarded by a boat with an armed crew. It was dark at the time, and could not see the flag she carried. After a few inquiries, the officers said the brig was a prize to the confederate war steamer Alabama. I was ordered on board with all my papers. I was taken into the cabin to Captain Semmes. His lieutenant, by name of Kell, and secretary were present. The captain took my papers and examined them, breaking open a consignee's letter I had. He then said to his lieutenant: "I see nothing by these papers to clear this vessel, she being American; you will accordingly take the captain on board and allow him to take one trunk and and one bag of clothing; all others one bag only; bring all persons out of the brig to the Alabama, and destroy her." While there I was put on oath and examined touching the vessel's cargo. At 9 p. m. returned on board the brig, packed up a few things, and the crew from the Alabama, by direction of the first lieutenant, then broke up the furniture in the cabin, and poured out a lot of lard on it and then set fire to it. We then left and were taken on board the Alabama. There were nine of us, including myself. The brig was soon in a blaze, and continued to burn as long as we could see her. The vessel and her cargo were entirely destroyed. The charts, chronometer, and some of the provisions were taken by the Alabama. One of my crew, by name of David Leggett, who had been with Captain Semmes on the steamer Sumter, immediately joined the crew of the Alabama. Another, by name of George Forrest, a deserter from the Sumter, was put in double irons. The rest of us were placed in irons and kept on the deck for three days and three nights. We were exposed to the sea and weather during this time, and were often wet by the rain and spray. We were confined to a space of about twenty square feet. The man who had deserted from the Sumter was tried before a court-martial and sentenced.

On the 9th of October they captured the ship Tonowanda, from Philadelphia to Liverpool, commanded by Captain Julius. She was detained as a receiving ship until the 13th instant. On the 11th the ship Manchester, from New York to Liverpool, loaded with grain, &c., was captured and fired after dark, and entirely destroyed. The crew of the bark Wave Crest were on board when we were captured. We were all placed on the Tonawanda, and permitted to leave on the 13th instant, and arrived here yesterday. At the time I was captured, and all the while I was on board the steamer, they were under sail. She is a very fast sailer. She had consumed but very little of her coal, and had most of the coal she left with at the time she started on her cruise. She has a condenser, and makes all the water they require on board.

SAM'L B. JOHNSON.

Sworn and subscribed to before me, this 28th day of October, 1862.

THOMAS H. DUDLEY, *Consul.*

No. 10.

Deposition of Nathan Parker Simes.

On this 22d day of October, 1862, before me, Thomas H. Dudley, consul of the United States of America at Liverpool, personally came Nathan

Parker Simes, master of the ship Emily Farnum, of Portsmouth, New Hampshire, and being duly sworn, deposed:

I am master of the Emily Farnum. We sailed from New York on the 20th of September, bound to Liverpool, with a cargo of flour and provisions. We proceeded without anything of importance happening until the morning of the 3d of October, when we were in latitude about 41 degrees north and longitude about 50 degrees west. At daylight we made a large ship to leeward, bound the same way as ourselves. About 7 a. m. we made what appeared to us a small sail vessel, standing to the westward. I took no further notice of her until I came up from breakfast, about a quarter past eight, when I sheared her close on our weather bow, and made her out to be a screw war-steamer, with the St. George's Cross flying at her peak, and took her for an English man-of-war. I immediately set my colors, and she immediately run down the English colors and ran up the confederate flag, and fired a blank across our bow. The wind being light, I saw that we could not escape, and hove to. A boat was then lowered from the steamer and sent alongside, with two officers and four men, each armed with a cutlass and revolver. They all came on board, and one of the officers, who was the second lieutenant, hauled down our colors, and informed me I was a prize to the Confederate States steamer Alabama, Captain Semmes. The steamer then wore round, and gave chase to the ship to leeward. The second lieutenant having taken charge of our ship, we followed. About 11 o'clock the other ship was brought to in the way we had been. She proved to be the Brilliant, of New York, from New York bound for London. She and ourselves were then hove to, one on each quarter of the steamer. A boat was sent to the Brilliant, and the captain with his papers taken on board the steamer. About noon a second boat came to us, and I was ordered to the steamer with my papers, and I went. On reaching the steamer I was ordered to stand amidships until Captain Semmes was ready for me. While waiting I observed a large number of seamen in irons, on the other side of the deck, and that the vessel had three long 32-pounders on each side, one 100-pounder rifled pivot gun forward, and a 68-pounder rifled pivot gun aft. The shot on the deck measured six and eight inches. Her crew were English, and consisted of one hundred and twenty, all told, and they were anxious to ship more. About one o'clock the captain of the Brilliant came on deck, and Captain Semmes ordered his first lieutenant, Mr. Kell, to go on board the Brilliant with him, and remove from her such provisions, tackle, and valuables as he saw fit, to the steamer. I was then ordered below into the cabin, where were Captain Semmes and his clerk, Mr. Smith. Captain Semmes demanded my papers, and then asked me the name of my ship; by whom she was owned; what her present value would be in New York; whether I had any certificate or proof that my cargo was otherwise than American property. My replies were taken down in writing. I examined my papers, and, attached to one set of bills of lading, found the British consul's certificate that the goods described in the bill of lading annexed were the property of a British subject residing in Liverpool, J. B. Spence. Captain Semmes examined it, and said it was a fraud, and not worth that (snapping his fingers.) He then asked me if I had a mail bag. I had none. He then asked a number of questions as to the disposition of our army and navy, and whether there were any government vessels on the look-out for his vessel. He then asked me how long it would take me to go to Liverpool in case he should release me. He said with the number of prisoners he had on deck, together with our two ships' crews,

he would be pushed for room in case of falling in with any of our government vessels, as he intended to fight anything of his own metal. His clerk then filled out a parole in writing, which he gave me the option of signing or of remaining in irons a prisoner of war until regularly exchanged. I signed it. I noticed in the cabin from fifteen to twenty chronometers, screwed to the transom. I then went on deck. While in the cabin he told me he had burnt eleven whaleships off the Western Islands, and landed their crews, one hundred and ninety in number, in that vicinity. That he had a particular antipathy to New Bedford people on account of their holding war meetings daily, and sending stone fleets to block up Charleston Harbor, and he was going to retaliate by destroying all the property he could get hold of. I remained on deck until about 5 p. m., during which time the steamer's boats and the boats of the Brilliant were transferring stores, &c., from the Brilliant. About 3 o'clock the look-out on the fore-top gallant yard reported a vessel in sight. About four Captain Semmes came on deck, and informed me he was going to release me, providing I would take his prisoners to Liverpool, which I agreed to do, and soon after they began transferring the prisoners to my ship. I observed that there was no discipline on board the steamer excepting when Captain Semmes or Lieutenant Kell was on deck. About 5 o'clock my papers were returned to me with the following indorsement on the register:

"The ship Emily Farnum, of New York, was captured by the Confederate States steamer Alabama, on this the 2d day of October, 1862, and released because of a certificate of neutral cargo being found among her papers, and to serve the purposes of a cartel ship.

"R. SEMMES,
"*Commander Confederate States Navy.*"

I was sent on board my ship by one of her boats. When I got on board my ship I found there Mr. Smith, Captain Semmes's clerk, with parole for my officers and crew to sign, which they all did but one, who shipped in the steamer. All my crew and officers were asked to ship, and told they would have 4*l.* 10*s.* a month, and lots of prize money. They pressed my second mate very much, finding out that he had been in the United States navy. Only the one mentioned volunteered. After they had signed the parole they were informed that if any of them were caught in arms, either in the Yankee army or navy, they would be shot or hung. I was told that two of the Brilliant's crew had shipped in like manner. They then left us with seventy-eight prisoners, being the captains, officers, and crews of ship Brilliant, of New York; bark Virginia, of New Bedford; bark Enoch Barnard, of New Bedford. During the day and night the wind was very light. At 6 p. m. the Brilliant was fired by people from the steamer, and at 7 o'clock she was all in flames. The steamer, during the night, was visible a little to windward. It was moonlight, so that we saw her all night, and also the Brilliant. The next morning, from our mizen topsail-yard, and in the direction of the burning ship, I saw the steamer close to and in chase of another ship, probably the one reported by the look-out the day previous. Had very light winds that day, but saw no more of the steamer, but at night saw the fire of a burning vessel in the direction where the steamer was last seen. While on board the steamer I noticed that her screw was triced up, and was informed by her officers that they merely got up steam for condensing water, or in a hard chase. While I saw her she never had steam up. The officers told me they could get up steam

in twenty minutes, and that she could steam fifteen knots, and sail under canvas only thirteen knots.

N. P. SIMES,
Master of ship Emily Farnum.

Sworn and subscribed to at Liverpool, this 22d day of October, 1862.
THOMAS H. DUDLEY, *Consul.*

Mr. Adams to Mr. Seward.

[Extracts.]

No. 264.] LEGATION OF THE UNITED STATES,
London, November 21, 1862.

SIR: I was so hurried at the close of the last week in my effort to report the result of my conference with Lord Russell in season for the steamer, that I was unable to give you any detailed account of it.

* * * * * *

I expressed my regret that some mode could not be devised to put a stop to the irritation constantly created by the proceedings at Liverpool. I was regularly in the receipt of information of the doings, which of course went to America and brought back complaints. I had now a packet of papers on my table which I was about to present to his lordship's consideration under instructions, touching the ravages of the gunboat No. 290. I could not enough regret the circumstance that that vessel had not been stopped. His lordship said that I knew the facts attending the case. He had heard Mr. John Bright had said that he had warned the proprietors of the gunboat in season to escape. It seemed to me a little as if he suspected that Mr. Bright had heard this from me. I replied that all I knew of the matter was derived from himself. He had mentioned that the subject had been referred to Sir John Harding, the Queen's advocate. But in consequence of his sudden illness a delay had occurred, so that when the decision to detain the vessel was arrived at, it was found to have escaped. His lordship said that that was in accordance with the facts. Such was the statement that I actually made to Mr. Bright. But I did not conceal from him my surmise, not that Lord Russell had furnished any information, for that was entirely out of the question, but that the watchful sympathizers with the rebels had, by ways with which they are familiar, obtained a hint of what was coming, in season to push the vessel, in her unprepared condition, out of the reach of formal pursuit. For it ought to be observed that the notice of her departure was first sent from Liverpool before any order to detain her could be sent down. Neither does it appear that the collector was ever called upon to give any account of the reasons why the vessel was suffered to go out without any inquiry whatsoever.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 265.] LEGATION OF THE UNITED STATES,
London, November 27, 1862.

SIR: Since the date of my last to you I have received from the department dispatches numbering from 389 to 398, inclusive, with the exception of 394. * * * * * * * I have besides a copy of a printed circular, No. 27, concerning the resolutions of the New York Chamber of Commerce on the subject of the depredations of No. 290. * * * * The further instructions in respect to the depredations of No. 290 seem to have been anticipated by my action last week. A copy of my formal representation to Lord Russell was forwarded with my dispatch No. 262. Since that time I have received only a brief note of acknowledgment in his lordship's own handwriting, a copy of which is transmitted herewith. I yesterday heard of rumors flying about in the club-houses that the law officers of the Crown had intimated some doubts of the strength of the government position. But as the same thing happened last year in the Trent case, I attach little importance to such indications. * * * * * *

In the meantime the outfits of vessels to run the blockade continue and multiply. I do not as yet obtain the necessary evidence to prove the preparation of war ships, but the arrival in the Arabia of Commander Maury, and eight or nine rebel officers, including a Charleston pilot, at Liverpool, would seem to indicate that something is soon to be attempted. I am now waiting for further details of information from the respective consuls, in order to comprise in one view a statement of the hostile operations now going on in the ports of the kingdom, which I propose to submit to the consideration of her Majesty's government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 22, 1862.

MY DEAR SIR: I have received this day your official letter of the 20th respecting the gunboat Alabama, or 290.

It shall receive the immediate attention of the government.

I remain your faithful servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 421.] DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: Your dispatch of November 20 (No. 262) has been received. The President is content that you shall exercise your discretion as to the manner of presenting the claims growing out of the depredations of the "290," with which you are charged, and he authorizes me, therefore, to

approve the note addressed by you to Earl Russell which accompanied your dispatch.

You have rightly judged that it is no part of the purpose of this government to harass that of Great Britain by impatient demands for the immediate adjustment of the claims for pecuniary reparation. The purpose first is, prevention of similar injuries hereafter. It is clear that there will soon be no commerce left to the United States if the transaction of the "290" is to be repeated and reiterated without check and with impunity.

It ought not to be doubted in Great Britain that a people who are only second in commerce to the British nation itself cannot quietly consent to a wrongful strangulation of their foreign trade.

Notices have already been received at this department of the intention of some foreign powers to demand redress and reparation for commercial depredations on innocent foreigners which have been committed by the insurgents, although they were committed by citizens who were, at the time, in a state of actual armed insurrection and defiant hostility against the federal authority. Beyond doubt we should have no sufficient answer to such claims if we had tolerated or excused or failed to put forth all the efforts of the government to prevent the acts of piracy complained of. How does the case of the "290" differ from what, under other circumstances, would be our own? Great Britain is mistress in her own ports and waters. We cannot enter those ports and waters with armed force. Insomuch as steam can only be successfully employed against steam in war, her rigorous and almost absolute exclusion of our navy from her ports and waters deprives us of the power to watch for and seize, upon their appearance in the open sea, the steam war vessels which her own subjects build, equip, and dispatch from her own ports, virtually, though undesignedly, under the protection of her own government. It seems to the President an incontestable principle, that whatever injury is committed by the subjects of Great Britain upon citizens of the United States, either within the British dominions or upon the high seas, in expeditions thus proceeding from British ports and posts, ought to be redressed by her Majesty's government, unless they shall be excused from liability upon the ground that the government had made all reasonable efforts to prevent the injury from being inflicted. If it shall appear in the sequel that the government did make all such reasonable efforts in the case of the 290, still this will not meet the case of other and future depredations in expeditions which, as it is now publicly known, are being prepared in Great Britain. There would seem to be no answer in such future cases, except that there is no obligation on the part of Great Britain to put forth efforts adequate to the prevention of such unlawful proceedings against friendly nations. Such a principle, generally accepted by nations, would be followed by universal piracy, and commercial states would be required thereafter to conduct their exchanges upon the ocean by the employment of armed vessels or convoys. The President feels himself all the more at liberty to insist upon such measures of prevention, because, first, a license to such transaction would be, while it should continue, only less injurious to Great Britain than to the United States, the safest possible commerce between the two nations being equally important to both of them. Secondly, because it is manifestly the interest of all commercial nations that wars, whether civil or international, shall be closely confined to the parties who have either voluntarily or necessarily engaged in them. This government is aware that it is said, that although the 290 was built in and dispatched from a British port, yet she was nevertheless not armed, equipped, and manned

within the port. But the fact is undisputed that she issued from the port and proceeded, by pre-concert, to a convenient station, and that there she received her crew, her equipment, and her arms, all of which were sent out to her by the same British subjects who built and dispatched her. In criminal law an illegal transaction, as it is none the less injurious, so it is none the less illegal, because its preparation is broken up into parts and effected in several places instead of one. Such subdivision being adopted simply with a view to evade the law is fraudulent in itself, and an aggravation rather than an extenuation of the offense.

With these explanations of the views of the President, which you may use or refrain from using in your negotiations as you deem expedient, I leave the affair for the present in your own able hands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 429.] DEPARTMENT OF STATE,
Washington, December 20, 1862.

SIR: I herewith inclose, for presentation to the British government, a copy of memorials and other papers addressed to the President of the United States by several ship-owners, resident within the collection district of New Bedford, Massachusetts, relative to the capture and destruction of the American whaling vessels, the Virginia, the Benjamin Tucker, the Elisha Dunbar, the Ocean Rover, the Altamaha, and the Ocmulgee, by the piratical steamer Alabama, in the month of September last.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For inclosures, see Mr. Adams to Earl Russell of January 5, 1863, with dispatch No. 293 of Mr. Adams to Mr. Seward, dated January 8, 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 281.] LEGATION OF THE UNITED STATES,
London, December 25, 1862.

SIR: I transmit herewith a copy of Lord Russell's note to me of the 19th instant, in reply to my representation, dated the 20th of November, in the case of the 290. The material portion, consisting of the answer to the two demands which I was instructed to make, is of course withdrawn at once from my province, and awaits the decision of the President. But upon the collateral topics introduced by his lordship into the discussion, I am preparing a note explaining and re-enforcing my view, which cannot be completed in season to send by the present opportunity. The pressure on the force of the legation, as well as on my own time, during this week, renders it impossible to get the papers ready.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 19, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo, in which, under instructions from your government, you submit, for the consideration of her Majesty's government, papers confirming the truth of the allegations which you made to me some time ago as to the intentions with which the vessel formerly known as the 290, but now called the Alabama, was fitted out at Liverpool; and you observe that those allegations are now fully proved by the hostile proceedings of that vessel since she left the United Kingdom.

You pass in review the history of the Alabama, both before and since she sailed from Liverpool, and you state that, the facts being admitted, they present to the consideration of all civilized countries a series of novel questions of the gravest character. You say that it is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports to the injury of another nation with which it is at peace with any known theory of moral or political obligation; and you add, with some further observations in the same sense, that the reciprocation of such practices could only in the end lead to the utter subversion of all security to private property upon the ocean.

You, however, say that it is by no means your desire to imply an intention on the part of her Majesty's government to countenance any such idea. You admit that you are aware of the measures adopted at a very early date with reference to the Alabama, and of the orders subsequently issued to detain that vessel as soon as legal opinions were obtained—orders which it was not possible for the authorities to execute, because, at the very moment when they were issued, the Alabama made her escape from Liverpool.

You finally state that you have been instructed to solicit redress for the national and private injuries sustained by the proceedings of this vessel, as well as a more effective prevention of any repetition of them in British ports hereafter.

Before I proceed to examine the justice of these demands, it will be convenient that I should advert to the circumstances to which you call my attention as having occurred soon after the breaking out of the French revolutionary war. You observe that on that occasion remonstrances were addressed by the British government to that of the United States respecting the fitting out of privateers in United States ports with an intent to prey upon British commerce, and that the demands of the British government were admitted by the United States, and were formally recognized in the 7th article of the treaty between the two countries of the 19th of November, 1794.

But an examination of the actual occurrences, and of the history of that remarkable period, presents a state of facts materially different from those relating to the Alabama.

Those facts may be shortly stated as follows:

The revolutionary government of France had openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized states, and that government proceeded to put in force its determination by claiming to equip, as a matter of right, and by actually equipping privateers in the neutral ports of the United States, by sending those privateers forth from those ports to prey upon British commerce, by bringing prizes into the neutral ports, and by there going through some scant forms of adjudication.

This was the avowed system upon which the agents of belligerent France claimed to act, and upon which, owing to the temporary superiority of her naval force, they did, for a short period, act in the neutral ports and waters of the United States, notwithstanding the remonstrances of the United States government.

It was these several facts, namely, the open and deliberate equipment of privateers in American ports by the French, the capture by those privateers of British vessels in United States waters, and the bringing them as prizes into United States ports, which formed collectively the basis of the demands made by the British plenipotentiaries. Those demands had reference not to the accidental evasion of a municipal law of the United States by a particular ship, but to a systematic disregard of international law upon some of the most important points of neutral obligation.

This is apparent from the whole correspondence of the British government with the government of the United States, and from the replies of Mr. Jefferson to Mr. Hammond, the British minister. Consequently, neither the complaints of the British government in 1793 nor the treaty of 1794 have any bearing upon the question now under discussion.

With regard to the claim for compensation now put forward by the United States government, it is, I regret to say, notorious that the Queen's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has, in several instances, been practically set at naught by parties in this country. On the one hand, vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States government; on the other hand, munitions of war have found their way from this country to ports in possession of the government of the so-styled Confederate States.

These evasions of the neutrality prescribed by the Queen's proclamation have caused her Majesty's government much concern, but it is not difficult to account for what has occurred.

Such shipments as I have spoken of may be effected without any breach of municipal law; and commercial enterprise in this country, as elsewhere, is always ready to embark in speculations offering a prospect of success, or in which, at all events, the promise of gain is supposed to be greater than the risk of loss.

British subjects who have engaged in such enterprises have been left by her Majesty's government to abide by the penalty attaching to their disregard of the Queen's proclamation of neutrality, that penalty being, by international law, the condemnation as prize of war of vessel and cargo if captured by a belligerent cruiser, and duly condemned in a competent prize court.

Her Majesty's government have nevertheless availed themselves of every fitting opportunity to discourage these enterprises, and I have the honor to refer you, in illustration of the truth of this, to the answer which I caused to be returned on the 6th of July to a memorial* from British merchants and ship-owners at Liverpool, and of which I furnished you confidentially with a copy in my note of the 4th of August.

It is right, however, to observe that the party which has profited by far the most by these unjustifiable practices has been the government of the United States, because that government having a superiority of force by sea, and having blockaded most of the confederate ports, has

* For the memorial from the merchants and ship-owners at Liverpool and Lord Russell's reply, see Vol. I, pp. 671 and 673.

been able, on the one hand, safely to receive all the warlike supplies which it has induced British manufacturers and merchants to send to United States ports in violation of the Queen's proclamation; and, on the other hand, to intercept and capture a great part of the supplies of the same kind which were destined from this country to the Confederate States.

If it be sought to make her Majesty's government responsible to that of the United States because arms and munitions of war have left this country on account of the confederate government, the confederate government, as the other belligerent, may very well maintain that it has a just cause of complaint against the British government because the United States arsenals had been replenished from British sources. Nor would it be possible to deny that, in defiance of the Queen's proclamation, many subjects of her Majesty, owing allegiance to her crown, have enlisted in the armies of the United States. Of this fact you cannot be ignorant. Her Majesty's government, therefore, have just ground for complaint against both of the belligerent parties, but most especially against the government of the United States, for having systematically, and in disregard of that comity of nations which it was their duty to observe, induced subjects of her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey.*

Great Britain cannot be held responsible to either party for these irregular proceedings of British subjects; and an endeavor to make her so would be about as reasonable as if her Majesty's government were to demand compensation from the United States for the injuries done to the property of British subjects by the Alabama, resting their demand on the ground that the United States claim authority and jurisdiction over the Confederate States, by whom that vessel was commissioned.

So far as relates to the export of arms and munitions of war by subjects of Great Britain, from British ports, for the use of the confederates, it is a sufficient answer to say that the municipal law of this country does not empower her Majesty's government to prohibit or interfere with such export, except in extraordinary cases, when the executive is armed with special powers; and, with regard to the law of nations, it is clear that the permission to export such articles is not contrary to that law, and that it affords no just ground of complaint to a belligerent. The authorities for this latter position are numerous and unconflicting; but it may suffice to refer to passages on this subject in the works of two American writers of high and admitted authority. The passages are as follows:

First. "It is not the practice of nations to undertake to prohibit their own subjects by previous laws from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations or particular treaties."—(Wheaton's International Law, 6th edition, 1855, page 571, by Lawrence.)

Secondly. "It is a general understanding that the powers at war may seize and confiscate all contraband goods, without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation, in 1796, that neutral governments were bound to restrain their subjects from selling or exporting articles contra-

* See Sir Rundel Palmer in Alexandra case, Parliamentary and Judicial Appendix, No. 15.

band of war to the belligerent powers. But it was successfully shown on the part of the United States that neutrals may lawfully sell at home to a belligerent purchaser, or carry, themselves, to the belligerent powers contraband articles subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country, (United States.) The right of the neutral to transport, and of the hostile power to seize, are conflicting rights, and neither party can charge the other with a criminal act." (Kent's Commentaries, vol. 1, page 145, 8th edition, 1854.)

In accordance with these principles, the President's message of 31st December, 1855, contains the following passage: "In pursuance of this policy the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war or take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of international neutrality, nor of themselves implicate the government."

As regards the sailing of the Alabama from Liverpool, I cannot do better than refer you to the circumstances respecting that vessel, with which I have already had the honor to make you acquainted. In my letter of the 28th of July I informed you that it was requisite to consult the law officers of the Crown before any active steps could be taken in regard to that vessel. In my letter of the 22d of September I explained that, from the nature of the case, some time was necessarily spent in procuring the requisite evidence; that the report of the law officers was not received until the 29th of July; and that on the same day a telegraphic message reached her Majesty's government stating that the vessel had that morning sailed. Instructions were then dispatched to detain her should she put in either at Queenstown or Nassau, to one or other of which ports it was expected that she would go; but the Alabama did not call at either of those places. On the 4th of October I stated to you that, much as her Majesty's government desired to prevent such occurrences, they were unable to go beyond the law, municipal and international: and on the 16th of that month I replied to your observations with reference to the infringement of the foreign enlistment act, by remarking that it was true that the foreign enlistment act, or any other act for the same purpose, might be evaded by subtle contrivances; but that her Majesty's government could not on that account go beyond the letter of the existing law.

It is needless, however, that I should pursue this branch of the question further, since you admit that you are aware that the Alabama sailed not only without the direct authority or indirect permission of her Majesty's government, but in opposition to the municipal law, and in spite of earnest endeavors made to enforce it.

That this should have happened is a circumstance not calculated to excite much surprise in the United States, for two reasons: first, because the principal municipal law of the United States (passed almost at the same time as that of this country, and, it is believed, after a full understanding between the two states) is, in fact, almost identical with that of Great Britain upon this subject; and, secondly, because its notorious evasion during the late war waged by Great Britain and her allies against Russia, was the subject of remonstrance on the part of her Majesty's representative at Washington to the United States.

Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States government could only proceed upon

legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured.

In the case of the Alabama it is not denied that strict orders were given for her detention as soon as it appeared to the legal advisers of the Crown that the evidence might be sufficient to warrant them in advising such a course, and that the Alabama contrived to evade the execution of those orders.

Her Majesty's government cannot, therefore, admit that they are under any obligation whatever to make compensation to United States citizens on account of the proceedings of that vessel.

As regards your demand for a more effective prevention for the future of the fitting out of such vessels in British ports, I have the honor to inform you that her Majesty's government, after consultation with the law officers of the Crown, are of opinion that certain amendments might be introduced into the foreign enlistment act, which, if sanctioned by Parliament, would have the effect of giving greater power to the Executive to prevent the construction in British ports of ships destined for the use of belligerents. But her Majesty's government consider that, before submitting any proposals of that sort to Parliament, it would be desirable that they should previously communicate with the government of the United States, and ascertain whether that government is willing to make similar alterations in its own foreign enlistment act; and that the amendments, like the orginal statute, should, as it were, proceed *pari passu* in both countries.

I shall accordingly be ready at any time to confer with you, and to listen to any suggestions which you may have to make by which the British foreign enlistment act, and the corresponding statute of the United States, may be made more efficient for their purpose.

I have the honor to be with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For Mr. Adams's reply see his dispatch to Mr. Seward, No. 286, January 1, 1863, *post.* And for report of interview with Earl Russell see Mr. Adams's dispatch to Mr. Seward, No. 321, February 13, 1863, *post.*

For Mr. Seward's opinion of above see his dispatch No. 454 to Mr. Adams, of January 19, 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 286.] LEGATION OF THE UNITED STATES,
London, January 1, 1863.

SIR: I have the honor to transmit a copy of my note to Earl Russell of the 30th ultimo, which, in my dispatch (No. 281) of the 25th of December, I mentioned that I was preparing, in answer to a portion of his note of the 19th of that month, which I sent forward last week.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 30, 1862.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 19th instant, in reply to the representation I had been instructed to submit to your consideration touching the ravages committed on the commerce of the United States by a vessel of war built and fitted out in a port of this kingdom, and, for the most part, manned by her Majesty's subjects. So far as that note responds to the two great objects of inquiry which I had been directed to propose, my duty has been performed by the transmission, without loss of time, of a copy of it for the consideration of my government. But your lordship has done me the honor to touch upon several lateral topics incidentally connected with the reasoning contained in my note, in a manner which seems to require from me a somewhat extended explanation.

The first of these to which my attention has been particularly directed relates to the fact, which your lordship appears readily to admit, that her Majesty's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has been practically set at naught in this kingdom. Much as it may impair the confidence heretofore so generally and justly entertained in the ability of her Majesty's government to enforce her authority within her own dominions, I am not aware that in the representation I had the honor to make upon this particular occasion, any reasoning of mine was made to rest upon it. The question, as connected with the case of the No. 290, was presented by the eminent counsel on whose opinion I relied, mainly on the ground that the building and equipment of that vessel was a gross violation of a municipal law of this kingdom. It was expressly stated by Mr. Collier that "it appeared difficult to make out a stronger case of infringement of the *foreign enlistment act*, which, if not enforced on this occasion, is little better than a dead letter." That this position was a correct one is fully confirmed by the report subsequently made by her Majesty's law officer, and by the later efforts of her Majesty's government to act under the law. It is not, then, the nullity of her Majesty's proclamation that is now in question; it is rather the admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited by a party injured to take cognizance; of which they do take cognizance so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case little room seems left open for discussion. The omission to act in season is not denied. The injury committed on an innocent party is beyond dispute. If, in these particulars, I shall be found to be correct, then I respectfully submit it to your lordship whether it do not legitimately follow that such a party has a right to complain and to ask redress. And, in this sense, it matters little how that omission may have occurred, whether by intentional neglect or accidental delays, having no reference to the merits of the question; the injury done to the innocent party giving a timely notice remains the same, and those who permitted it remain equally responsible.

It is in this view that the precedent which I had the honor to cite

from the earlier history of the United States appeared to have much more pertinence than your lordship is inclined to attach to it. I still think that it has not attracted so much of your attention as it deserves. Your lordship will pardon me for suggesting that it was not because "the revolutionary government of France openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized states," or because of a "supposed temporary superiority of her naval force," it "did actually equip privateers in the neutral ports of the United States, and send them forth to prey upon British commerce," &c., that the government of the United States were induced to listen to the demands of the British government for redress. The claim that was actually made by France rested upon its interpretation of two articles of a solemn treaty, offensive and defensive, between France and the United States, which, not without show of reason, claimed for the former the right to fit out cruisers against its enemies in the ports of the United States. Although very properly denying this to be the correct version, the government of the United States felt unwilling to act on a policy of repression until due notice given of its determination to abide by an opposite construction. In the interval certain captures of British vessels took place which the government, because of its failure, for the reasons assigned, to prevent them, considered itself bound to make good. Here are the very words of Mr. Jefferson, in his letter to Mr. Hammond:

"Having, for particular reasons, forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due." From these words the deduction appears to be inevitable that the principle of compensation in the case derived its only force from the omission by the United States to prevent a wrong done to the commerce of a nation with which they were at peace. So, likewise, may it be reasonably urged in the present case, that the omission of her Majesty's government, upon full and seasonable notice, to carry into effect the provisions of its own law designed to prevent its subjects from inflicting injuries upon the commerce of nations with which it is at peace, renders it justly liable to make compensation to them for the damage that may ensue.

That the British government of that day did consider itself equitably entitled to full indemnity, not simply for the hostile acts of Frenchmen in American ports, but for the loss and damage suffered on the high seas by reason of assistance rendered to them by citizens of the United States, will clearly appear by reference to the fourth article of the project of a treaty proposed by Lord Grenville to Mr. Jay, on the 30th of August, 1794. The words are these:

"And it is further agreed, that if it shall appear that, in the course of the war, loss and damage has been sustained by his Majesty's subjects by reason of the capture of their vessels and merchandise, such capture having been made *either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States*, or by vessels commanded *or owned* by the citizens of the said States, the United States will make full satisfaction for such loss or damage, the same being to be ascertained by commissioners in the manner already mentioned in this article."

If, by the preceding representation, I have succeeded in making myself clearly understood by your lordship, then will it, I flatter myself, be made to appear that in both these cases, that in 1794 as well as that in 1862, the claim made rests on one and the same basis, to wit, the reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect to prevent the cause of it originating among its own citizens in its own ports.

The high character of Lord Grenville is a sufficient guarantee to all posterity that he never could have presented a proposition like that already quoted, except under a full conviction that it was founded on the best recognized principles of international law. Indeed, it is most apparent, in the face of the preamble, that even the statute law of both nations on this subject is but an attempt to give extraordinary efficacy to the performance of mutual obligations between states which rest on a higher and more durable basis of justice and of right. It was on this ground, and on this alone, that Lord Grenville obtained the concessions then made of compensation for damage done to her commerce on the high seas by belligerent cruisers fitted out in the ports of the United States. I shall never permit myself to believe that her Majesty's government will be the more disposed to question the validity of the principle thus formally laid down, merely from the fact that in some cases it may happen to operate against itself.

This consideration naturally brings me back to the examination of that portion of your lordship's note which relates to the alleged violations in Great Britain of her Majesty's proclamation by the respective parties engaged in this war. Although this subject be not absolutely connected with that on which I made my representation, I cheerfully seize the opportunity thus furnished me to attempt, in some degree, to rectify your lordship's impressions of the action of the government of the United States even on that question. Your lordship does me the honor to observe that *I cannot be ignorant of the fact*, which it is impossible to deny, "that, in defiance of the Queen's proclamation, many subjects of her Majesty owing allegiance to her crown have enlisted in the armies of the United States." "Her Majesty's government, therefore, have just ground for complaint against both the belligerent parties, but most especially against the government of the United States, for having, *systematically and in disregard of that comity of nations which it was their duty to observe*, induced subjects of her Majesty to violate those orders, which, in conformity with her neutral position, she has enjoined all her subjects to obey."

As these words, taken in their connection, might seem to imply a serious charge against myself as well as the government of the United States, I must pray your lordship's pardon if I desire to know whether there be any particulars in my own conduct in which your lordship has found the evidence for such a statement. So far as I have been made acquainted with the course of my own government, or I remember my own, I must most respectfully take issue with your lordship upon it, and challenge you to the proof. That very many of the subjects of Great Britain voluntarily applied to me for engagements in the service of the United States is most true. That I ever induced one of them to violate her Majesty's orders, either directly or indirectly, is not true. That numbers of her Majesty's subjects have voluntarily crossed the ocean and taken service under the flag of the United States I have reason to believe. That the government of the United States, *systematically and in disregard of the comity of nations, induced* them to come over to enlis I have not yet seen a particle of evidence to show, and I must add, praying your

lordship's pardon, I am authorized explicitly to deny. In response to a remonstrance, made to me by your lordship, it is but a few days since I took occasion, so far as my action was concerned or the action of any of the officers of the United States in this kingdom, to place the country right before you on that score. After the very explicit retraction made in your lordship's reply* to me, dated on the 16th instant, it is not without great surprise that I now perceive what I cannot but regard as a renewal of the imputation.

Your lordship is pleased carefully to join the two parties to this war, as if, in your estimation, equally implicated in the irregular proceedings conducted within this kingdom, and equally implicating the subjects of Great Britain in the violation of her Majesty's proclamation. Hence it is argued that the omission to hold any one to his responsibility affords no more just ground of complaint to one party than to the other. I cannot but think that your lordship has overlooked a just distinction to be observed in these cases; and in order to show it the more clearly I shall be compelled to ask your lordship to follow me in a brief investigation of the facts.

The only allegation which I find in your lordship's note in connection with the United States is this, that "vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States government."

Admitting this statement to be true to its full extent; conceding even the propriety of the application of the term "vast" to any purchases that may have been made for the United States, the whole of it amounts to this, and no more, that arms and warlike stores have been purchased of British subjects by the agents of the government of the United States. It nowhere appears that the action of the British went further than simply to sell their goods for cash. There has been no attempt whatever to embark in a single undertaking for the assistance of the United States in the war they are carrying on; no ships of any kind have been constructed or equipped by her Majesty's subjects for the purpose of sustaining their cause, either by lawful or unlawful means, nor a shilling of money, so far as I know, expended with the intent to turn the scale in their favor. Whatever transactions may have taken place have been carried on in the ordinary mode of bargain and sale without regard to any other consideration than the mere profits of trade.

If such be then the extent of the agency of the United States on this side of the Atlantic during the present war, and no more, it appears clear, from the positions assumed by your lordship in the very note to which I have the honor to reply, that thus far they have given no reasonable ground for complaint at all. The citations to which your lordship has done me the favor to call my attention, as drawn from American authors of admitted eminence, all contribute to establish the fact that the mere purchase or export by a belligerent from a neutral of arms and munitions of war does not involve any censure on either party. I do not at the present moment entertain a design to question the correctness of that doctrine. As a necessary consequence, I can scarcely perceive the fitness of associating such action as I have shown that of the United States to be in the same category with that of which the government of the United States has heretofore instructed me to complain. And here I beg to call your lordship's attention to the fact that it is not the mere purchase or exportation of arms and warlike stores by the agents of the

*For Earl Russell's note of the 16th December, 1862, see under "Enforcement of Neutrality," subdivision "Federal Recruiting in Ireland," Vol. II, p. 398.

insurgents in America of which I have ever complained. There is another and a very important element in the case, to which your lordship does not appear to have given the consideration which, so far as one may be permitted to judge from the concurring testimony of all writers of international law, it certainly deserves. The United States have made an actual blockade of all the ports occupied by the insurgents, a blockade the validity of which Great Britain does not dispute. They are therefore entitled to consider every neutral who shall attempt to enter one of them or carry anything to the besieged as violating his neutrality and converting himself into an enemy. Hence it happens that every British subject engaged in the work of aiding the insurgents by introducing contraband of war into blockaded ports not only violates his duty to his sovereign, but commits an exceedingly aggravated and injurious offense to the government of the United States. To associate such proceedings with the mere purchase and export of arms on behalf of the United States as of equal significance would seem to be most inequitable.

It is a fact that few persons in England will now be bold enough to deny, first, that vessels have been built in British ports, as well as manned by her Majesty's subjects, with the design and intent to carry on war against the United States; secondly, that other vessels owned by British subjects have been, and are yet, in the constant practice of departing from British ports laden with contraband of war, and many other commodities, with the intent to break the blockade and to procrastinate the war; thirdly, that such vessels have been, and are, insured by British merchants in the commercial towns of this kingdom with the understanding that they are dispatched for that illegal purpose. It is believed to be beyond denial that British subjects have been, and continue to be, enlisted in this kingdom in the service of the insurgents, with the intent to make war on the United States, or to break the blockade legitimately established, and, to a proportionate extent, to annul its purpose. It is believed that person high in social position and in fortune contribute their aid, directly and indirectly, in building and equipping ships of war, as well as other vessels, and furnishing money as well as goods, with the hope of sustaining the insurgents in their resistance to the government. To that end the port of Nassau, a colonial dependency of Great Britain, has been made, and still continues to be, the great entrepôt for the storing of supplies, which are conveyed from thence with the greater facility in evading the blockade. In short, so far as the acts of these numerous and influential parties can involve them, the British people may be considered as actually carrying on war against the United States. Already British property valued at eight millions of pounds sterling is reported to have been captured by the vessels of the United States for attempts to violate the blockade, and property of far greater value has either been successfully introduced or is now stored at Nassau awaiting favorable opportunities.

If it be necessary to furnish to your lordship a clearer idea of the nature and extent of this warfare, it may perhaps be obtained by reference to the two papers, marked A and B, which I have the honor to append to the present note. The one contains a list of all screw steamers and sailing vessels which have been, or still are, engaged in this illegal commerce, furnished to me from observation by the consul of the United States at Liverpool. The other is a copy of a letter from the consul in London, giving a further list of vessels, together with some particulars as to the mode by which, and the persons by whom, this hostile system is carried on. Neither of these lists can be regarded as complete, but

the two are sufficiently so for the present purpose, which is to place beyond contradiction the fact of the extensive and systematic prosecution by British subjects of a policy towards the United States, which is uniformly characterized by writers on international law as that of an enemy.

I am not unaware of the regret expressed in your lordship's note at the existence of this state of things, as well as of the readiness with which you have acquiesced in the possible application, by the forces of the United States, of the penalty held over the heads of the offenders in her Majesty's proclamation. But my present object in referring so much at large to these offenses is to show the great injustice of your lordship in proceeding to comment upon the action of the respective belligerents as if there was a semblance of similarity between them. So far as the United States are shown to be involved in censure, it is simply by the purchase and export of arms and munitions of war from a neutral, an act which your lordship expressly points out eminent authority to my attention to prove implies no censurable act on either party. Whilst, on the other hand, it is American insurgents who find British allies to build in this kingdom, and to equip and send forth, war ships to depredate on the commerce of a friendly nation, and it is British subjects who load multitudes of British vessels with contraband of war, as well as all other supplies, with the intent and aim to render null and void, so far as they can, a blockade legitimately made by a friendly nation, as well as to procrastinate and make successful a resistance in a war in which that nation is actually engaged. Surely this is a difference not unworthy of your lordship's deliberate observation.

But your lordship, in accounting for the admitted failure to enforce the enlistment law in Great Britain, has done me the honor to remind me that not long since her Majesty's government was itself so far made sensible of injuries of the same kind with those of which I now complain either inflicted or threatened against Great Britain in the ports of the United States, as to have made them the subject of remonstrance through her Majesty's representative at Washington. With so fresh a sense of these evils before your lordship there will be no further cause of surprise at the earnestness with which I have followed the precedent then set. You do me the honor to recall the fact that the enlistment law of the United States, which preceded in its date of enactment that of Great Britain, is almost identical with it. And you further state that "*the notorious evasion of its provisions* during the late war waged by Great Britain and her allies against Russia" was the cause of the remonstrance to which I have already alluded. Your lordship further remarks that "Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States government could only proceed upon legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured."

In an earlier portion of your lordship's note you did me the favor to cite, as good authority, to me an extract of the message of the President of the United States of the 31st December, 1855, which went to show the extent to which assistance not only had been, but might be, rendered without censure by neutrals to belligerents. Perhaps your lordship will not deny equal weight to the very next passage in that message, even though it should somewhat conflict with your own allegation.

"Whatever concern may have been felt by either of the belligerent powers, lest private armed cruisers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property

of the other, *all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law.*"

I forbear from quoting the text which follows, because it may revive unpleasant recollections in your lordship's as it does in my mind. I will content myself solely with the remark that the very last thing which your lordship would be likely to object to, the facts there stated would be the want of ability of the government of the United States to proceed with energy and effect in the repression of acts in violation of their enlistment act.

But, if evidences of another kind as to its energy under that law be needed, I have only to remind your lordship once more of the fact that on the 11th of October, 1855, her Majesty's representative at Washington, Mr. Crampton, addressed to the government of the United States a note, with evidence to show that a vessel called the Maury was then fitting out at the port of New York, armed to depredate on British vessels. On the 12th the Attorney General sent, by telegraph, to the proper officer at New York to consult with the British consul, and to prosecute, if cause appear. On the 13th the collector stopped the vessel, then about to sail. On the 16th the district attorney had prepared and filed a libel of the vessel, and in the mean time ordered a thorough examination of her cargo. On the 19th the marshal had made a full report of his examination. On the same day the complainant, on whose evidence the minister and the consul had acted, confessed himself satisfied, and requested the libel to be lifted. On the 23d Mr. Barclay, her Majesty's consul at New York, published a note withdrawing every imputation made against the vessel. Thus it appears that in the brief space of four days the government's action under the enlistment law had been sufficiently energetic completely to satisfy the requisition of her Majesty's representative.

If any similar action has been had since the first day that I had the honor to call your lordship's attention to outfits of the same nature made in Great Britain, I can only say that I have not enjoyed a corresponding opportunity to express my satisfaction with the result.

The owners of the Maury were never compensated for the trouble and expense to which they were put by this process. But the Chamber of Commerce of New York adopted a series of resolutions, two of which may serve as a sufficient comment on the remark which your lordship has been pleased to let fall touching the "notorious evasion" of the enlistment law in America at the time alluded to:

"*Resolved*, That no proper amends or apology have been made to A. A. Low & Brothers for the charge brought against them, *which, if true, would have rendered them infamous;* nor to the merchants of this city and country so falsely and injuriously assailed.

"*Resolved*, That the merchants of New York, as part of the body of merchants of the United States, will uphold the government in the full maintenance of the neutrality laws of the country; and we acknowledge and adopt, and always have regarded, the acts of the United States for preserving its neutrality as binding in honor and conscience as well as in law; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence."

I pray your lordship to give one moment's attention to the manner in which the conduct imputed to Messrs. Low is stigmatized. I am sorry to confess that I have not seen the like indignation shown in this kingdom against similar charges made against distinguished parties in Liv-

erpool, nor yet can I perceive it so forcibly expressed as I had hoped even in the tone of your lordship's note.

I beg to assure your lordship that it gives me no pleasure to review the recollections of the events of that period. But inasmuch as they had been voluntarily introduced in the note which I had the honor to receive, and they seemed to me necessarily to imply an unmerited charge against the policy of the United States, I felt myself imperatively called upon to show that at least in one instance in which her Majesty's government made a complaint, there was no failure either in the manner of construing the powers vested in the government of the United States, or in their promptness of action under their enlistment law.

I pray your lordship to accept the assurance of the distinguished consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

[For answer of Lord Russell see inclosure with Mr. Adams's dispatch No. 310, to Mr. Seward, of January 29, 1863, *post.*]

[Inclosures printed under the head of "Enforcement of Neutrality," subdivison "Blockade-running," with dispatch No. 286 of Mr. Adams, Vol. I, p. 728.]

Mr. Adams to Mr. Seward.

No. 293.] LEGATION OF THE UNITED STATES,
London, January 8, 1863.

SIR: In conformity with the directions contained in your dispatch No. 429, of the 20th of December, 1862, I have transmitted to Earl Russell the copies of memorials and other papers relating to the destruction by the vessel No. 290 of the ships Virginia, Benjamin Tucker, Elisha Dunbar, Ocean Rover, Altamaha, and Ocmulgee, which were sent to me with that dispatch.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 5, 1863.

MY LORD: I have the honor to transmit to your lordship copies of certain papers having relation to the depredations committed by the vessel called No. 290, which I am instructed by my government to submit to the consideration of her Majesty's government.

I pray, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Memorials addressed to the United States government by various ship-owners.

NEW BEDFORD, *November* 18, 1862.

His Excellency ABRAHAM LINCOLN, *President of the United States:*

SIR: I ask leave to present to you the accompanying memorial and papers from several of the ship-owners resident within this collection district whose vessels have been plundered and burned upon the high seas by the pirate steamer called the Alabama. And I respectfully and earnestly ask the immediate and decided action of our government to the end that fair indemnity may be obtained, and such safety of the seas secured to the loyal citizens of our Union, that their lawful business may be done securely upon the ocean. From the facts set forth in the memorial it would appear that some steps should be taken at once to arrest the progress of that pirate, and to obtain such redress for our ship-owners as may be due to them, by the provision of international law.

I am, &c.,

THOS. D. ELLIOT.

To the PRESIDENT OF THE UNITED STATES:

The undersigned ship-owners, citizens of the United States, resident within the collection district of New Bedford, in their own behalf, and representing the interests of their co-owners, respectfully state that during the month of September last past, on the high seas, in the neighborhood of the Western Islands, a large number of American ships and vessels were boarded, plundered, and burned, and their officers and crews captured and subjected to brutal treatment, by an armed vessel named the Alabama; that among the ships which, with their cargoes, were so destroyed were the whaleships Virginia, Benjamin Tucker, Elisha Dunbar, and Ocean Rover, owned by your memorialists, together with the whaling schooner Altamaha, also owned in said district, and the whaleship Ocmulgee, owned in the Edgartown district, next adjoining; that, in consequence of these gross outrages, they have suffered, by the ruin of their voyages, and the defeat of their enterprises, great loss and damage beyond the value of their ships and cargoes; that the owners of the bark Virginia have been damnified in the sum of $124,574, composed of the following items, viz: value of bark and cost of outfits on day of sailing from New Bedford, August 26, 1862, $30,074; value of a fair cargo of sperm oil, two thousand barrels, at $1 50 per gallon, $94,500; total $124,574; that the owners of the ship Benjamin Tucker have been damnified in the sum of $124,000, composed of the following items, viz: value of the ship and outfits on sailing from New Bedford, $29,500; value of four hundred barrels of sperm oil, burned with the ship, at $1 50 per gallon, $18,900; value of sixteen hundred barrels of sperm oil to be taken to complete her voyage, at $1 50 per gallon, (the full capacity of said ship being about twenty-eight hundred barrels,) $75,600: total $124,000; that the owners of the bark Elisha Dunbar have been damnified in the sum of $93,000, composed of the following items, viz: value of bark and outfits at the time of sailing from New Bedford, August 25, 1862, $24,000; value of sixty-five barrels of sperm oil, burned with the ship, at $1 50 per gallon, $3,000; value of fourteen hundred barrels of sperm oil to be taken to complete her voyage, at $1 50 per gallon, $66,000; total, $93,000; that the owners of the ship Ocean Rover have been damnified in the sum of $104,000, composed of the following items, viz: value of bark and outfits as she sailed, $39,000;

value of seven hundred and fifty barrels of sperm oil, burned with the bark, at $1 50 per gallon, $35,400; value of fifty barrels of whale oil, burned with the bark, at 80 cents per gallon, $1,260; value of six hundred barrels of sperm oil to be taken to complete voyage, at $1 50 per gallon, $28,340; total, $104,000.

Your memorialists further represent that this armed cruiser was built and supplied with stores during the past summer at an English port; that her armament and English crew, designed for and received by her, were also shipped from an English port; that, at the time the aforesaid were committed, she had not been at any other than an English port; that she carried no other than the English colors until her prizes were within her grasp, and which were then exchanged for the rebel flag of the southern States of this republic, excepting in the case of the capture of the aforenamed ship Ocmulgee, when at no time did she show any other than the English colors; that it was notorious in England during the past summer that this vessel, as well as others, was in process of construction, and designed to prey upon the commerce of the United States.

All these facts your memorialists believe can be abundantly proved, and to that end they have caused certified copies of the protests, duly entered by the respective masters of said ships, to be appended hereto; and they pray to be permitted to furnish, in some other form, further testimony of the truth of their representations.

For these losses thus occasioned your memorialists believe the English nation should be held responsible.

And your memorialists further represent that the whaling interest of the country is now in extreme peril; that about one-third of all the vessels in the whaling service of the United States is now exposed to similar piratical capture and destruction.

They do, therefore, earnestly pray that the government of the United States will adopt such measures as will result in their indemnity from loss by reason of the outrages aforesaid; and they do further pray that such disposition be made of a portion of the naval force of the nation as will insure the safety of the seas.

And, as in duty bound, will ever pray.

WM. HATHAWAY, JR.,
Agent and owner of bark Virginia.
CHARLES R. TUCKER & CO.,
Agents and owners of ship Benjamin Tucker.
W. & G. D. WATKINS,
Agents and owners of bark Elisha Dunbar.
JOSIAH HOLMES, JR., & BROTHERS,
Agents and for owners of the bark Ocean Rover.

And the undersigned, managing owner of the whaling brig Altamaha, in the foregoing memorial named among the vessels owned in the district of New Bedford, which were destroyed by the Alabama, in his own behalf and for his co-owners, prays to be permitted to join in the foregoing memorial; and, appending hereto a certified copy of the protest of the master of said brig, states their loss as follows, viz: value of brig and outfits, $6,000; value of a fair cargo of sperm oil, two hundred barrels, at $1 50 per gallon, (the capacity of said brig being four hundred barrels,) $9,450; total, $15,450.

S. C. LUCE,
Agent and owner of brig Altamaha.

On the 17th day of September, in the year of our Lord 1862, personally appeared before me William Childs, late master of the American ship Benjamin Tucker. States that he sailed from New Bedford in the year 1861, bound on a whaling voyage. Nothing occurred of any consequence until the 14th day of September of this present year; at 1 a. m. saw a sail standing to the southwest; at half past 1 fired a gun and tacked ship, headed for me, and when he got within eight hundred yards he fired another gun which brought me to, then sent a boat on board and informed me that I was a prize to the Confederate States steamer Alabama; he told me to pick up my things, also the crew, and sent us on board of the said steamer. At 5 a. m. he took out about one and a half tons of tobacco and forty boxes of soap, and about 6 a. m. he set fire to the ship; kept me and all my crew in irons until the 16th of September, at mid-day, then sent us adrift in our own boats about ten miles northwest from this island of Flores, where we arrived at 4 p. m., at the port of Punta Delgada. Thus the deponent declares, and has desired me to take his protest, as he doth protest against the said confederate steamer Alabama for all losses, costs, and damages sustained by the burning of the aforesaid ship Benjamin Tucker. All which is solemnly sworn before me by the said William Childs.

In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, island of Flores, this 17th day of September, 1862.

WILLIAM CHILDS, *Master.*
THOMAS SANFORD, JR., *Mate.*
NELSON C. BORDEN, *Second Officer.*
HENRY T. DAVIS, *Third Officer.*
JAMES MACKAY, JR.,
United States Consular Agent.

I, the undersigned, consul of the United States for the Azores, do hereby certify that William Childs, master of the late ship Benjamin Tucker, personally appeared before me, and, confirming the foregoing protest, desired further to protest against the captain of the confederate steamer Alabama, as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen, or may arise, in consequence of the burning of said ship.

WILLIAM CHILDS.

Countersigned:

CHAS. W. DABNEY.

On the 9th day of September, in the year of our Lord 1862, personally appeared before me James M. Clark, late master of the American bark Ocean Rover, of Mattapoisett. States that he sailed on the 26th day of May, 1859, bound on a whaling voyage. Nothing of any consequence occurred until the 8th day of September of the present year, when off the island of Flores, the Confederate States steamer Alabama run down to us when we were becalmed and ordered me to haul down my colors, then lowered a boat and boarded me, saying I was a prize to the Confederate States steamer Alabama, desiring me to go on board of the above steamer with my papers, which I did; then he ordered me to return and pick up all my effects and the crew's baggage, excepting the nautical instruments, books, and charts, and to leave the ship and go on shore; we were then about ten miles off the island of Flores, where we

arrived about 11 p. m. Thus the deponent declares and has desired me to take his protest, as he doth protest against the said confederate steamer Alabama for all losses, costs, and damages sustained by the loss of the aforesaid bark Ocean Rover. All which is solemnly sworn before me by the said James M. Clark.

In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, island of Flores, this 9th day of September, 1862.

JAMES M. CLARK, *Master.*
NELSON RHODEHOUSE, *1st Mate.*
SAMUEL H. LANDERS, *3d Mate.*
MARSHALL KEITH, *4th Mate.*

Countersigned:

JAMES MACKAY, JR.,
United States Consular Agent.

I, the undersigned, consul of the United States for the Azores, do hereby certify that James M. Clark, master of the late bark Ocean Rover, personally appeared before me and, confirming the foregoing protest, desired to further protest against the captain of the confederate steamer Alabama, as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen, or may arise, in consequence of the burning of the said ship.

JAMES M. CLARK.

Countersigned:

CHAS. W. DABNEY.

Be it remembered that, on this 20th day of October, A. D. 1862, before me, William W. Crapo, a notary public duly commissioned and qualified, and residing in New Bedford, in the Commonwealth of Massachusetts, personally appeared David R. Gifford, master of the American whaling bark Elisha Dunbar, of said New Bedford, and John G. Morrison, mate of said bark, who did severally declare and protest the several matters and things hereinafter set forth, that is to say:

These appearers set sail from the port of New Bedford on the 25th day of August, A. D. 1862, in said bark Elisha Dunbar, bound on a whaling voyage to the Atlantic and Indian Oceans. Nothing material occurred until the morning of the 18th September, 1862, when in latitude 39° 50′ north, longitude 35° 20′ west, with the wind from the southwest, and the bark holding east-southeast, saw a steamer on our port-quarter standing to the northwest. Soon after we found that she had altered her course and was steering for the bark; we made all sail to get out of her reach, and were going ten knots at the time, but the steamer was gaining under canvass alone. She soon came up with us, and fired a gun under our stern, with the St. George cross flying at the time. Our colors were set, when she displayed the confederate flag; being near us we hove to, and a boat with armed officers and a crew came alongside, and on coming on board stated to the master that our vessel was a prize to the confederate steamer Alabama, Captain Semmes. This was at 2 o'clock in the afternoon.

The master of the Elisha Dunbar was then ordered on board the steamer with his papers, and the crew were ordered to follow with a bag of clothing each. On going aboard of the steamer, her captain claimed our vessel as a prize, and said she would be burnt. The master of the

bark not having any clothing, he was allowed to return for a small amount of clothing. The officer of the steamer on board the bark asked Captain Gifford what he had come back for, and tried to prevent his coming on board. Captain Gifford told him he came after a few clothes, which he took, and then returned to the steamer. It was blowing very heavy at the time, and was very squally, Nothing was taken from the bark but the chronometer, sextant, charts, &c. The bark was then set fire to, and burnt. This was about half-past 3 o'clock in the afternoon. The vessel, with her whaling outfits for a voyage of forty months, together with about sixty-five barrels of sperm oil on deck, which had been taken a few days previous, were consumed. The officers and crew of the Elisha Dunbar were put in irons.

The crew of the Alabama consisted of British subjects, being English and Irish, as were some of the petty officers. The officers and crew of the steamer numbered about one hundred and twenty, all told, of whom all belonged to Great Britain, except perhaps twenty-five. These appearers remained on board the steamer Alabama until the 3d of October, 1862, when they were transferred to the ship Emily Farnham, bound to Liverpool, on board of which vessel they remained until the 6th October, 1862, when they went on board of the brig Golden Lead, and arrived at New York the 16th October, 1862, and at New Bedford the 17th October, 1862.

And these appearers do further severally declare, before me the said notary, that when said bark left the said port of New Bedford, and up to the time of the seizure and burning aforesaid, she was tight, staunch, and seaworthy, and was well and sufficiently manned and apparelled for her said intended voyage; that during the voyage aforesaid, and particularly on the said 18th day of September, they all did everything in their power to preserve said bark and cargo from loss, detriment, and damage.

Wherefore the said appearers did declare to protest, as by these presents they do solemnly protest, against the various perils of navigation, and all other causes whatsoever by which the aforesaid disaster has been occasioned, all of which happened as before stated, and not otherwise, and not in any manner through the inefficiency of said bark or her apparel or tackle, or from the neglect or inattention of the officers or crew, all of whom, on the contrary, did their duty to the best of their ability.

In testimony whereof I have caused the said appearers to sign these presents, and make solemn oath to the truth of the same, and I have hereunto set my hand and affixed my seal notarial, the day and year first above written.

DAVID R. GIFFORD.
JOHN G. MORRISON.

WM. W. CRAPO, *Notary Public.*

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, county of Bristol, city of New Bedford:

I, William W. Crapo, a notary public duly commissioned and sworn, residing in said city, hereby certify that the foregoing document is a true and correct copy from my notarial record.

Given under my hand and notarial seal, this 10th day of November, 1862.

WM. W. CRAPO, *Notary Public.*

Marine protest.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, City of New Bedford, ss:

By this public instrument of declaration and protest, be it made known and manifest, that on the 17th day of October, in the year of our Lord 1862, before me the subscriber personally appeared Shadrach R. Tilton, master of the ship Virginia, of New Bedford, of the burden of about three hundred and forty-six tons, and noted with me in due form of law his protest, for the uses and purposes hereinafter mentioned. And now on this day, to wit, the 30th day of October, in the year 1862, before me, William H. Taylor, a notary public, duly and by lawful authority admitted, commissioned, and sworn, residing and practicing in the city of New Bedford, and Commonwealth aforesaid, comes the said Shadrach R. Tilton and requires me to extend the said protest, and together with him comes and appears Charles B. Hardenburg, mate, belonging to the aforesaid ship Virginia, both of whom being by me severally, duly, and solemnly sworn on the Holy Evangelists of Almighty God, voluntarily and freely depose and say that the said ship, laden with provisions, stores, and utensils for a whaling voyage, being in every respect seaworthy, and in all things fitted and provided for her intended voyage, sailed on the 26th day of August, 1862, from the port of New Bedford, bound on a whaling voyage in the Atlantic and Pacific Oceans; that nothing material occurred until the 17th day of September, 1862, when in latitude thirty-nine degrees north, and longitude thirty-four degrees west, the ship heading east-northeast, and fine weather, discovered a sail four points on the weather bow, steering for us. When within four miles distant the stranger set the St. George's Cross, which we answered with the American ensign, and backing our main-yard, supposing her to be an English man-of-war. When within a quarter of a mile she hauled down the English and set the confederate flag, and boarded us with an armed crew, claiming us as a prize to the confederate steamer Alabama, Captain Semmes, taking away my papers and ordering me on board the steamer. After arriving on board Captain Semmes asked me where I was from, and inquired if I had any late papers or any money. He then told his first lieutenant to go on board the Virginia with me and allow me a trunk and each man a bag of clothing, and then destroy the ship. On reaching the ship I was allowed but a short time to get a small trunk of clothing, and was then hurried back to the steamer, where I with my crew were put in irons, and the Virginia was set on fire and burned. I was on board the steamer seventeen days, in irons, on deck, wet most of the time. On the 3d of October all the officers and crew of the Virginia, except these appearers, were transferred to the ship Emily Farnham, with orders to go to England. These deponents were then transferred to the brig Golden Lead, in which vessel they sailed for New York, where they arrived on the 16th instant. And the said deponents on their oaths declare that the said ship was at commencement of voyage aforesaid stanch and strong, and had her cargo well and sufficiently stowed and her hatches properly closed and secured, and that during the said voyage they, together with the rest of the crew on board, used their utmost endeavors to preserve the said ship, and her cargo, tackle, and apparel, from damage or injury; and that any loss, damage, or injury which has arisen or accrued, or that may arise or be sustained in any way or manner whatever, is solely owing to the accidents and difficulties herein set forth and declared, and not to any neg-

ligence, want of skill, vigilance, or exertion, on the part of the deponents or any of the officers or men of the said ship.

SHADRACH R. TILTON, *Master.*
CHARLES B. HARDENBERG, 1*st Mate.*

Wherefore the said Shadrach R. Tilton, master and commander as aforesaid, hath requested me to protest, and I the said notary, at such his request, have protested, and by these presents do publicly and solemnly protest against all and every person and persons whom it doth, shall, or may concern, and against all and singular the accidents, casualties, and circumstances already set forth in the foregoing declaration, on oath, for all manner of losses, costs, damages, charges, expenses and injuries whatsoever, which the said ship and her cargo on board, and the freight by her earned or to be earned, or either of them, or any part thereof, have already sustained or may hereafter sustain, by reason or means of the foregoing premises.

Thus done and protested, in the city of New Bedford, this 30th day of October, in the year of our Lord 1862.

In testimony whereof I have hereunto set my hand and affixed my notarial seal.

WILLIAM H. TAYLOR,
Notary Public.

CITY OF NEW BEDFORD, *Bristol, ss:*

I, William H. Taylor, a notary public in and for the said city and county, duly commissioned and sworn, dwelling in said city, do certify the foregoing to be a true and exact copy of an original protest on record in my office.

In testimony whereof I hereunto set my hand and notarial seal this 30th day of October, 1862.

WILLIAM H. TAYLOR,
Notary Public.

On the 17th day of September, in the year of our Lord 1862, personally appeared before me Rufus Gray, late master of the American brig Altamaha, of Sippican, states that he sailed from Sippican on the 14th of May, present year, bound on a whaling voyage to the Atlantic Ocean, and nothing occurred during the voyage until the 13th of September. At 9 a. m. saw a sail standing towards us; at 11 a. m. fired a gun and brought us to. She had English colors flying, afterwards setting the Confederate States flag. Sent a boat crew on board, and told me I was a prize to the Confederate States steamer Alabama. Sent me on board the said steamer with my papers; afterwards desired me to go on board my own vessel and inform my officers and crew to pack up what effects they had, and return again in our own boats. About 5 o'clock p. m. we returned on board, and were all put in irons; they then destroyed the vessel by fire. On the 16th, about mid-day, we were set adrift in our boats about ten miles northwest of the island of Flores, where we arrived at 4 p. m. at the port of Ponta Delgado.

Thus the deponent declares, and has desired me to take his protest, as he doth protest against the said confederate steamer Alabama for all losses, costs, and damages sustained by the burning of the aforesaid

brig Altamaha; all which is solemnly sworn before me by the said Rufus Gray.

In witness whereof I have hereunto affixed my signature and seal of office at this port of Santa Cruz, island of Flores, this 17th day of September, 1862.

RUFUS GRAY, *Master.*
JUDAH HATHAWAY, *First Mate.*
JAMES BLANKINSHIP, *Second Mate.*
DANIEL L. TINKHAM, *Third Mate.*
JAMES MACKAY, JR.,
United States Consular Agent.

I, the undersigned, consul of the United States for the Azores, do hereby certify that Rufus Gray, master of the late brig Altamaha, personally appeared before me; and, confirming the foregoing protest, desired further to protest against the captain of the confederate steamer Alabama, as also against all whom it doth or may concern, for all losses, costs, and damages which have arisen or may arise in consequence of the burning of the said brig.

RUFUS GRAY.

Countersigned:

CHAS. W. DABNEY.

A meeting of the merchants and ship-owners of New Bedford, called for the purpose of taking action in reference to the recent destruction of whaling-vessels by the armed steamer Alabama, was held at the rooms of the Pacific Mutual Insurance Company, in New Bedford, on Thursday, the 6th day of November, 1862.

The meeting was organized by the appointment of Captain Joseph C. Delano as chairman, and William W. Crapo as secretary.

The memorial addressed to the President of the United States, and signed by the owners of the whaling vessels belonging to this district which had been captured, was read to the meeting. Remarks were made by various gentlemen present upon the character of the outrages committed by the Alabama, and urging the necessity of immediate measures, not only to secure indemnity for losses already sustained, but for the protection of the whaling interest against further like depredations.

The following resolutions were unanimously adopted:

"*Resolved*, That the merchants and ship-owners of New Bedford regard the recent destruction of property upon the ocean by the rebel steamer Alabama as a wanton outrage, and the treatment of the officers and crews of the captured ships as atrocious and brutal; that the conduct of this piratical vessel, in its nefarious occupation of pillage and destruction, in burning its ill-fated prizes, and thus luring into its toils the generous who seek to save life, deserves the condemnation and detestation of the civilized world as a crime against humanity which no war can justify, extenuate, or excuse.

"*Resolved*, That the memorial addressed to the President of the United States, and which has been read at this meeting, meets with our hearty approval; and that we earnestly trust that our government will take such steps as will secure to our plundered citizens sure and speedy indemnity from the British government for the losses sustained by them in permitting, if not encouraging, this vessel to go forth from an English port, constructed, armed, and manned for her work of destruction against the commerce of the world.

"*Resolved*, That the magnitude of our whaling fleet, the immense amount of property invested in the whaling business, the thousands of American citizens actively engaged in its prosecution upon the ocean, merit and demand some attention from the government of the United States for the protection of their interests against the attacks of pirates and privateers; and we earnestly beseech the action of the Navy Department in this behalf. We are the more emboldened to urge our request in view of the large contributions we have made during the rebellion, in officers and men, for the navy of the Union. While we are manning the naval squadrons with thousands of our seamen, who are doing efficient service for the country, we ask that those who are pursuing their peaceful though hazardous calling may be reasonably free from piratical depredations, by such a disposition of a sufficient portion of the naval force of the country as will insure the safety of the seas."

It was voted that the record of the proceedings of this meeting, with a copy of the resolutions certified by the chairman and secretary, be presented to the President of the United States with the memorial.

J. C. DELANO, *Chairman.*
WM. W. CRAPO, *Secretary.*

NEW BEDFORD, *November* 27, 1862.

TO THE PRESIDENT OF THE UNITED STATES:

SIR: I respectfully submit to you the petition of Abraham Osborn, and others, owners of the whaleship Ocmulgee, which was captured and burned, with her outfit and cargo, by the Alabama while sailing under English colors. These owners ask to join in the memorial which I had the honor to forward to you from other ship-owners whose property has been destroyed upon the ocean by this pirate steamer; and I inclose to you their papers in the hope that it may appear right to demand, and practicable to obtain, proper indemnity for such gross violation of our right upon the seas.

Very respectfully, &c.,

THOMAS D. ELIOT.

TO THE PRESIDENT OF THE UNITED STATES:

Respectfully represent the undersigned, owners of the whaleship Ocmulgee, late of Edgartown in the State of Massachusetts, recently captured and burned by the piratical vessel the Alabama, which vessel was under English colors, that they desire to join in the memorial recently addressed to your excellency by William Hathaway, Charles R. Tucker, and others, owners of the whaleship Virginia, Benjamin Tucker, and other vessels also destroyed by said Alabama.

These petitioners annex a copy of the protest of the officers of the Ocmulgee, and ask opportunity to furnish other requisite proof.

Their ship, its voyage, enterprise, and cargo, has been destroyed, and they have suffered damage to the amount of $179,072, in the manner following: Cost of ship Ocmulgee, $12,000; cost of her outfits, $28,000; value of nine thousand six hundred and seven gallons of sperm oil on board, (at $1 75 per gallon,) $16,712.

Probable loss by the breaking up of the enterprise of the voyage fitted for four years to the Arctic Ocean and elsewhere, on which it would be reasonable and right to anticipate the taking of three thousand bar-

rels of whale oil at $23 62, equal to $60,860; forty-five thousand pounds of whalebone, at $1, equal to $45,000; and nine thousand four hundred gallons of sperm oil, at $1 75, equal to $16,500; so that this further estimate of probable loss would be $122,360.

And they further represent that said ship was also furnished with a large quantity of merchandise for exchange with the Arctic Indians for whalebone, teeth, furs, &c., for which a reasonable yield would be $75,000, in addition to the above amounts.

And these petitioners respectfully ask that the prayer of the memorial aforesaid may be granted for the benefit of these petitioners, as well as of said memorialist. And they further represent that in said capture and burning the Alabama was under English colors only.

ABRAHAM OSBORN,
Agent and managing owner of ship Ocmulgee.

NOVEMBER 24, 1862.

UNITED STATES OF AMERICA,
State of Massachusetts, Dukes County, ss:

By this public instrument of protest be it known and made manifest to all whom it doth or may concern, that on this 8th day of November, in the year of our Lord 1862, before me, Joseph P. Pease, a notary public, duly commissioned and sworn, residing at Edgartown, within and for the county aforesaid, personally came and appeared Abraham Osborn, junior, late master of the ship Ocmulgee, of Edgartown, and with him also came Joshua S. Waldron, late third mate, George Luce, late mate, and Ivory L. Smith, late a seaman on board said ship, who being severally sworn, did declare, depose, and say that the said ship, being of the burden of four hundred and fifty-nine tons or thereabouts, and being laden with casks, whaling utensils and apparatus, spare sails, rigging, spars, ship stores and provisions for a voyage of forty-eight months in the whaling fishery in Atlantic, Pacific, and Arctic Oceans, they, the said appearers, made sail and departed in and with said ship from the port of Edgartown for the purpose of prosecuting said voyage on the 2d day of July, in the year 1862.

That nothing material occurred until the 19th day of July aforesaid, when we captured a sperm whale, which made us fifty barrels of sperm oil. On or about the 20th of said July we captured another, which made us one hundred and fifteen barrels of sperm oil.

On the 4th day of September following a steamer passed under our lee; she was steering the same course as we were, and soon went out of sight, it being about eleven o'clock at night. September 5, 1862, being west-northwest of the island of Pico, fifty miles distant therefrom, we saw sperm whales. While engaged in chasing them saw a steamer approaching us from the south showing English colors. We succeeded in capturing a one hundred and forty barrel whale, which we took alongside. When the steamer was about one mile distant she fired a gun at or toward us. At 2 o'clock p. m. we were boarded by a boat from said steamer, the crew of which were all armed. The commander of the boat informed me I was a prize to the steamer Alabama; that I must take my papers and go on board the steamer; that I might take my fine clothes, and that the crew might each of them take a bag of clothing; and that he was about to burn the ship.

At four o'clock p. m. I went on board the steamer with my papers, she having the English flag still flying. I soon found myself on board the armed piratical steamer Alabama, Captain Semmes; by him I was

informed that I was his prize; that he was going to burn the Ocmulgee, and every other vessel bearing the American flag that he could catch. I remonstrated with him against burning the Ocmulgee, but to no purpose.

Remaining on board the steamer about ten minutes, I went on board the ship, removed some of my clothing, and the crew taking out some of theirs, we went all of us on board the steamer.

At dark the steamer's crew came on board with a boat loaded with stores and provisions, and a boat loaded with sails, cordage, &c., taken from the Ocmulgee. The steamer lay by the ship all night, no person being on board the ship. On the next day, to wit, September 6th, at 10 o'clock a. m., the ship Ocmulgee was set on fire by a boat's crew from said pirate steamer Alabama, burnt and entirely destroyed, with everything on board.

The steamer then shaped her course for the island of Flores, and at 7 o'clock p. m., said island being about three miles distant, the captain of said steamer told me to take my crew in my boats, which had been preserved, and leave; this we did, and landed on that island at about 7 o'clock p. m. We remained on that island fourteen days, waiting a passage to Fayal.

On the 20th day of September we arrived at Fayal, and remained about twenty days, waiting a passage to Boston.

October 8th we left Fayal in the ship Azor, for Boston, where we arrived October 28, 1862.

That said Abraham Osborn, junior, did note for protest before the United States consular agent at Flores immediately on his arrival there, to wit, on the 7th day of September, 1862.

And the said appearers did further severally declare, depose, and say, that the said ship at the time of her departure from Edgartown, as aforesaid, was in good condition, was well manned, and was in all and every respect provided and furnished with all things needful and necessary for the prosecution of said voyage, and that when taken, detained, and burned by the officers and crew of said piratical steamer Alabama, said ship, her officers and crew, were in the legitimate prosecution of the voyage upon which they sailed from Edgartown.

And the said appearers further say, that as all the loss, damage, and injury which has already or may hereafter appear to have happened or accrued to the said ship, or her cargo, fixtures, and appurtenances, has been occasioned solely by the circumstances hereinbefore stated, and cannot nor ought not to be attributed to any insufficiency of the vessel, or default of him, this deponent, his officers, or crew, he therefore requires me, the said notary, to make his protest and this public act thereof, that the same may serve and be of full force and value as of right shall appertain.

And therefore the said Abraham Osborn, junior, doth protest, and I, the said notary, at his special instance and request, do by these presents publicly and solemnly protest against the aforesaid pirate steamer Alabama, *alias* No. 290, her officers, owners, and crew, and all persons interested therein; against all accidents and occurrences, and all loss or damage occasioned thereby; and against all governments and persons whom it doth, shall or may concern, more especially against the government of her Majesty the Queen of Great Britain, under the flag of which nation the said vessel or ship was captured and burnt; and against all and every accident, matter, and thing, had and met with, whereby or by means whereof said ship or her cargo, or both, have received, or hereafter shall appear to have suffered, injury or loss; for all losses, costs, charges, expenses, damages, and injury which the said

ship, or the owner or owners of said ship, and her cargo, already have or may hereafter have to pay, sustain, incur, or be put into by or on account of the premises, or for which the insurer or insurers is or are liable to pay or to make contribution or average according to custom, or their respective contracts or obligations, and that no part of such losses and expenses already incurred, or hereafter to be incurred, do fall on him the said Abraham Osborn, junior, his officers or crew.

Thus done and protested in the town of Edgartown, State and county aforesaid, on the day and date first herein named.

ABM. OSBORN, JR.
GEORGE LUCE.
JOSHUA S. WALDRON.
IVORY L. SMITH.

In testimony whereof I have caused the said applicants to sign these presents, and I, the said notary, have subscribed my name, and caused my seal of office to be hereunto affixed, the day and year last aforesaid.

JOSEPH T. PEASE, *Notary Public.*

UNITED STATES OF AMERICA,
State of Massachusetts, Dukes County, ss:

I, Joseph Thaxter Pease, a notary public, within and for the State and county aforesaid, do hereby certify that the foregoing is a true and correct copy of the protest of Abraham Osborn, *et al.*, late master of ship Ocmulgee.

Given under my hand and seal of office this 8th day of November, A. D. 1862.

JOSEPH T. PEASE, *Notary Public.*

Mr. Seward to Mr. Adams.

No. 450 DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: Your dispatch of December 25 (No. 281) has been received. The President has expressed to me his pleasure that a consideration here of Earl Russell's note upon the case of the 290 be reserved until we shall be able to have the advantage of a perusal of the note which you have authorized us to expect you would address to Earl Russell, explaining and reaffirming the views which you had heretofore submitted in regard to that important subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

[From British Blue Book, "North America," No. 3, 1863, p. 48.]

No. 21.

Earl Russell to Lord Lyons.

[Extract.]

FOREIGN OFFICE, *January* 28, 1863.

I have to state to your lordship that I lately received from Mr. Adams some papers respecting the proceedings of the Alabama,

which Mr. Adams informed me he had been instructed to submit for the consideration of her Majesty's government.

These papers contain accounts of the various captures made by the Alabama, but they do not appear to her Majesty's government to affect in any way the principles of international law applicable to that ship, upon which the answers of her Majesty's government to the demands of the United States government in this case have been framed. Some of the memorialists pray that the United States government will so order their naval force as to prevent the captures made by the Alabama. That is undoubtedly the remedy for the evil of which the memorialists complain, but it is, of course, one with which her Majesty's government have no concern.

There is also an allegation that the crew of the Alabama are partly, or mainly, composed of British subjects. If this be so, these persons are acting in violation of the Queen's proclamation, and of the foreign enlistment act; but unfortunately, in accordance with the principles upon this subject maintained by Mr. Seward, in his note to your lordship in the case of the Sunbeam.

[See General Appendix, No. 11, for the correspondence here referred to.]

Mr. Seward to Mr. Adams.

No. 454.] DEPARTMENT OF STATE,
Washington, January 19, 1863.

SIR: I have before me your dispatch of December 25, No. 281, together with the note written to you by Earl Russell on the 19th November last, and also your despatch of January 1, No. 286, together with the reply which you made on the 30th of December last to the aforementioned note of Earl Russell. All these papers relate to the claim which you presented to her Majesty's government for redress for the depredations of the 290, or Alabama, and for the adoption of measures to prevent the occurrence of similar violations of the maritime rights of this country in future.

You have properly replied to Earl Russell's note, and cleared up the argument of the case by a paper which seems to the President as convincing as it is calm and truthful.

Earl Russell's argument does not satisfy the President that redress ought not to be granted to our citizens for the depredations which have been committed by the 290. He trusts that your reply may yet induce a reconsideration of that subject. I therefore leave that branch of the case at rest until there shall have been an opportunity to hear further from you upon that subject.

It is not perceived that our anti-enlistment act is defective, or that Great Britain has ground to complain that it has not been effectually executed. Nevertheless, the proposition of her Majesty's government that the two governments shall confer together upon amendments to the corresponding acts in the two countries evinces a conciliatory, a liberal, and just spirit, if not a desire to prevent future causes of complaint. You are therefore authorized to confer with Earl Russell, and to transmit for the consideration of the President such amendments as Earl Russell may, in such a conference, suggest and you may think proper to be approved.

You will receive herewith a copy of some treasonable correspondence of the insurgents at Richmond with their agents abroad, which throws

a flood of light upon the naval preparations they are making in Great Britain. You will use these papers in such a manner as shall be best calculated to induce the British government to enforce its existing laws, and, if possible, to amend them so as to prevent the execution of the unlawful designs which will thus be brought to their notice in a manner which will admit of no question in regard to the sufficiency of evidence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For intercepted correspondence see same dispatch, and also dispatch from Mr. Adams to Mr. Seward, No. 322, February 13, 1863, printed under "Enforcement of Neutrality," "General Subject," vol. I, pp. 546 and 562, respectively.]

Mr. Adams to Mr. Seward.

No. 310.] LEGATION OF THE UNITED STATES,
London, January 29, 1863.

SIR: I have the honor to transmit copies of further correspondence with Lord Russell, being the sequel of the discussion of the case of the gunboat No. 290. I shall now await the instructions of the government, which I, by this time, presume to be on their way to me.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 24, 1863.

SIR: It is impossible for me to leave without notice some of the statements contained in your letter of the 30th ultimo.

These statements contain or imply a grave charge against her Majesty's government. You speak of the "admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited to take cognizance, of which they do take cognizance so far as to prepare measures of prevention; but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury; in the substantial points of the case little room seems left open for discussion."

On the substantial points of the case, as stated by you, there is, on the contrary, great room left open for discussion.

I must ask, first, what are the circumstances within the control of the government to which you allude? Do you mean that her Majesty's government, in constructing a penal statute or in carrying into effect the provisions of a penal statute, were to hurry at once to a decision, and to seize a ship building and fitting out at Liverpool, without being satisfied by evidence that the provisions of the foreign enlistment act had been violated in the case of such vessel? Do you mean that her Majesty's government were to dispense with proof, and to inflict injury upon the

Queen's subjects by seizing a ship, upon your mere assertion that the owners of that ship were violating the law?

If such is your meaning, I must reply that the government of this country respect the law. They do not seize upon property to the loss and damage of its owners without proof that they are legally entitled to do so.

Perhaps your meaning is that her Majesty's government should have proceeded on the opinion of Mr. Collier, without awaiting for other authority.

But here, again, I must reply that the usage of this country requires that the government should consult their own legal advisers, and obtain the opinion of the law officers of the Crown, before they proceed to enforce a penal statute.

If you mean to contend, therefore, that a nation in a state of profound peace should set aside the formalities of law and act at once upon presumptions and surmises, I entirely differ from you. I may remind you that the evidence sufficient to satisfy a court of law as to the "equipment" or "fitting out" of a vessel for warlike purposes, and of its actual destination, is not attainable without difficulty.

If you mean that her Majesty's government willfully delayed or neglected the measures by which the character of the Alabama could have been legally ascertained, I must give a positive and complete denial of the truth of any such assertion. The opinion of the law officers, until the receipt of which her Majesty's government could not act, was delivered at the Foreign Office on the 29th of July, but in the morning of that day the Alabama, under pretext of a pleasure excursion, escaped from Liverpool.

With regard to the very different circumstances of 1793 and 1794, those circumstances are recorded in history. It is notorious that Monsieur Genet, the French minister to the United States, fitted out privateers in the ports of the United States; that he boasted in his dispatches of the captures of British vessels which those privateers had made, and that he procured a sham condemnation of those captured vessels in neutral ports. It is notorious, also, that he endeavored to make the United States the basis of his operations and of attempts to raise rebellions against England in Canada, and against Spain in Louisiana.*

According to your own account, the United States purposely delayed to give any redress to the complaints made by the British government of the captures of British merchant vessels, because they felt unwilling to act on a policy of repression till they had given due notice of the construction they put upon a treaty offensive and defensive with France which had been quoted in defense of the depredations committed on British commerce.

It is evident that by so acting the United States government deliberately made themselves parties in the interval to the proceedings carried on in their own ports; and the same government, with the sense of justice which distinguished them, made compensation afterwards for the injuries inflicted under cover and protection of their own flag, and promised to exclude French privateers "from all further asylum in their "ports."†

In Mr. Jefferson's letter, quoted by you, he says: "*Having for particular reasons forborne to use all the means in our power for the restitution,*" *&c.* * * Here is the inquiry stated, and here are the grounds why it was permitted.

* See, besides the usual authorities, "Jefferson and the American Democracy," by M. de Witt, appendix 8.

† See dispatch of he President to Mr. Hammond, September 5, 1793.

But the British government have given no asylum to belligerent privateers bringing prizes into British ports. They have no particular reasons to allege; they have not forborne to use all the means in their power; they have used all the means they could use consistently with the law of the land, and by no fault of theirs have those means in a single instance proved inefficacious. There was no want of a statute to enforce, nor of a will to enforce it; evidence was wanting, and an authority to decide upon that evidence, till it was too late. But her Majesty's government cannot promise the United States to act without evidence, nor to disregard the legal authority of their own law officers.

As to other points we are nearly agreed, so far as the law of nations is concerned. But with respect to the statement in your note that large supplies of various kinds have been sent from this country by private speculators for the use of the confederates, I have to observe that that statement is only a repetition in detail of a part of the assertion, made in my previous letter of the 19th ultimo, that both parties in the civil war have, to the extent of their wants and means, induced British subjects to violate the Queen's proclamation of the 13th of May, 1861, which forbids her subjects from affording such supplies to either party.

It is, no doubt, true that a neutral may furnish as a matter of trade supplies of arms and warlike stores impartially to both belligerents in a war, and it was not on the ground that such acts were at variance with the law of nations that the remark was made in the former note. But the Queen having issued a proclamation forbidding her subjects to afford such supplies to either party in the civil war, her Majesty's government are entitled to complain of both parties for having induced her Majesty's subjects to violate that proclamation, and their complaint applies most to the government of the United States, because it is by that government that by far the greatest amount of such supplies have been ordered and procured.

I do not propose to discuss other collateral topics which have been introduced, but, in explanation of my former letter, I must say that I never meant to accuse you of giving any encouragement to the enlistment of British subjects in this country to serve in the civil war unhappily prevailing in the United States.

But it is notorious that large bounties have been offered and given to British subjects residing in the United States to engage in the war on the federal side, and these British subjects, acting in defiance of the laws, of their country and of the Queen's proclamation, have been encouraged by the United States government so to act.

A recent and striking example of the open avowal of this course of conduct on the part of the United States government is to be found in the correspondence between Mr. Seward and Mr. Stewart with reference to the crew of the Sunbeam, in which, although it does not appear that any bounties were offered, Mr. Seward has treated an endeavor to induce British sailors to enlist in the belligerent service of the United States as affording no grounds of complaint to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For correspondence relating to the Sunbeam see General Appendix, No. 11.]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 26, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 24th instant, in reply to some portions of mine of the 30th of last month, respecting the case of the outfit from Liverpool of the gunboat No. 290, to depredate on the commerce of the United States.

Your lordship is pleased to raise a discussion on the following statement made by me. I quote the paragraph as it stands in your note:

"The admitted fact of a violation of the statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited (by a party injured) to take cognizance, of which they do take cognizance so far as to prepare measures of prevention, but which, by reason of circumstances wholly within our own control, they do not prevent in season to save the justly-complaining party from serious injury. On the substantial point of the case little room seems left open for discussion."

Out of my profound respect for your lordship's representation, I have reviewed the whole of this paragraph with the utmost care. I am compelled now to confess that I can perceive no ambiguity in the meaning sufficient to justify any of the implications which your lordship appears to desire to raise from it. Starting from a point of moral obligation, in my view as strong between nations as it is between individuals, that injuries inflicted on an innocent party of which, if not prevented, it has a right to complain, provided that it give notice in time seasonable for the application of adequate means of prevention should be, so far as practicable, repaired or compensatated for by the party that does the wrong or suffers it to be done by persons under its control, I have applied the general principle to the case before me. The fact that warning has been given in full season to prevent the departure of No. 290 does not depend upon my statement, inasmuch as it is simply a question of dates, open to the inspection of all men. The fact that her Majesty's government were convinced of the justice of the representations made is patent from the determination to which your lordship admits that they ultimately came to detain the vessel. The fact that this decision was so long delayed as to fail in effecting the object intended, whereby great injury has been actually done, and is yet likely to ensue, to the commerce of the United States, is equally a question purely of dates. Inasmuch as these constitute the substance of the paragraph of my note, to which exception is taken, I must confess myself wholly at a loss to perceive upon what grounds any doubt can further be raised about it.

But your lordship proceeds to do me the honor to address a series of questions to me as to possible meanings that may be conveyed in my language which might imply, from the failure to act of her Majesty's government, motives of some kind or other that I have not distinctly expressed. I must respectfully ask to be excused from entering into any such field of controversy. I desire neither to make charges, nor to raise implications of an unnecessary nature to complicate the difficulties of this painful subject. All that I deem it my duty to know is, that a grievous wrong has been done to an innocent and friendly nation by what seems to me to have been a most unfortunate delay in effecting a

prevention, that later experience conclusively shows ought to have been applied in time. Of the reasons that prevented such an application, inasmuch as none of them could have grown out of the course of the injured party, I have no wish to enter into a discussion. The principle of justice is not merely that right should be done, but that it should be done sufficiently prompt to effect its object. Otherwise it is justice denied. Upon that I am content to rely.

As it is probable that I may receive, at an early moment, further instructions from my government in respect to the substantial points involved in the present correspondence, I deem it unadvisable further to take up your lordship's time by enlarging the limits of the discussion of purely incidental questions. I desire to express my obligation to you for the ready and full manner in which your lordship has exonerated me from the suspicion of encouraging enlistment of her Majesty's subjects in the service of the United States. At the same time it is not without regret that I perceive the charge still persevered in against the government of the United States. If I understand your lordship aright, it is now affirmed that because the government offers large bounties on enlistment in the United States, and because British subjects in the United States, tempted by these bounties, do occasionally enlist, therefore your lordship is justified in having affirmed in your former note that the government of the United States *systematically, and in disregard of the comity of nations*, induce them to enlist. As well might I in my turn, in view of the frequent applications made to me to procure the discharge of citizens of the United States who have been tempted in the same manner to enlist in her Majesty's service in this kingdom, assume the existence of a similar policy. Further than the presence of a general offer, I do not perceive that your lordship's reference to the action of Mr. Seward, of which I am not in a situation to speak authoritatively, appears to extend. Further than this, I must still continue to disclaim the belief in the existence of any systematic policy, as well in one case as in the other.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 466.] DEPARTMENT OF STATE,
Washington, February 2, 1863.

SIR: Herewith I inclose, for presentation to the British government, a copy of a memorial just received at this department from the New York Mutual Insurance Company, of the city of New York, relative to losses sustained by it on account of the destruction of the ships Brilliant and Manchester on the high seas by the piratical steamer Alabama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For memorial and note transmitting it to Lord Russell see dispatch No. 331 of Mr. Adams to Mr. Seward, dated February 19, 1863, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 321.] LEGATION OF THE UNITED STATES,
London, February 13, 1863.

SIR: In obedience to your instructions contained in dispatch No. 454, I called the attention of Lord Russell, in my conference of Saturday, to the reply made by him to my note of the 20th of November last, claiming reparation for the damage done by "No. 290," and security against any repetition of the same in the future. I observed that my government had not yet authorized me to say anything in regard to the answer on the first point.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 3, 1863, p. 48.]

No. 22.

Earl Russell to Lord Lyons.

[Extract.]

FOREIGN OFFICE, *February* 14, 1863.

MY LORD: I had a conversation a few days ago with Mr. Adams on the subject of the Alabama.

It did not appear that his government desired to carry on the controversy on this subject from Washington; they rather left the conduct of the argument to Mr. Adams.

* * * * * * *

I am, &c.,
RUSSELL.

Mr. Adams to Mr. Seward.

No. 331.] LEGATION OF THE UNITED STATES,
London, February 19, 1863.

SIR: In accordance with the desire expressed in your dispatch (No. 466) of the 2d February, I have transmitted to Lord Russell a copy of the resolutions of the New York Mutual Insurance Company relating to depredations committed by "No. 290."

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 19, 1863.

MY LORD: At the request of my government I have the honor to submit to your lordship's consideration a copy of a memorial addressed to the Secretary of State by an association of underwriters in New York.

Renewing assurances, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Memorial.

Your memorialists, representing the New York Mutual Insurance Company of the City of New York, respectfully submit to the Department of State of the United States the following facts, viz: That the said New York Mutual Insurance Company had certain policies of insurance upon the following vessels: Ship Brilliant, $9,245; ship Manchester, $7,500; and the said vessels, in the prosecution of their lawful voyages, were arrested on the high seas by a steamer called the Alabama, and by her boarded and burned, and the New York Mutual Insurance Company have paid the policies of insurance on the above-named vessels in consequence of said destruction; and your memorialists are of opinion that the said steamer having been built at, fitted out, and sailed from a port in Great Britain, and her crew being composed principally of the subjects of the government of Great Britain, she is to all intents and purposes a British vessel.

And your memorialists therefore claim from the government of Great Britain the repayment to them of the above amounts, with interest accruing thereon, and respectfully request the United States government to make the necessary claim on their behalf.

JOHN H. EARLE, *President.*

W. P. HANSFORD, *Secretary.*

NEW YORK, *January* 31, 1863.

Mr. Seward to Mr. Adams.

No. 483.] DEPARTMENT OF STATE,
Washington, February 19, 1863.

SIR: Your dispatch of the 29th of January (No. 310) has been received, together with the copy of the correspondence which has recently passed between yourself and Earl Russell on the subject of the Alabama, or "290." Your reply to his lordship is approved, and it seems only necessary, so far as that particular case is concerned, to repeat what was said, in effect, in my instruction No. 454, that this government does not think itself bound in justice to relinquish its claim for redress for the injuries which have resulted from the fitting out and dispatch of the Alabama in a British port.

This government is very desirous to avert occasions of irritation and complaint, which necessarily tend to produce alienation between even

the most friendly powers. And it is more especially inclined to this policy in its intercourse with Great Britain. The President is therefore most hopeful that her Majesty's government will act upon the idea of which an intimation has been given by Earl Russell, namely, of proposing some amendments to the foreign enlistment acts of the two countries. You may, perhaps, mention the subject to Earl Russell informally, with some advantage.

I send you a copy of the notes which have passed between Mr. Stuart and Lord Lyons on one side, and myself on the other, in relation to the seamen of the Sunbeam. I think it will show that my decision in that case affords no support to the British government in the case of the Alabama.

The Senate has prepared a bill which confers upon the President of the United States the power to grant letters of marque and reprisal in any war in which the country may at any time be engaged, and it is expected that the bill will become a law. Lord Lyons suggests that the transaction may possibly be misapprehended abroad, if it come upon foreign powers suddenly and without any explanations. You will be at liberty to say that, as the bill stands, the executive government will be left at liberty to put the law in force in its discretion, and that thus far the proper policy in regard to the exercise of that discretion has not engaged the President's attention. I have had little hesitation in saying to Lord Lyons that, if no extreme circumstances occur, there will be entire frankness on the part of the government in communicating to him upon the subject, so far as to avoid any surprise on the part of friendly nations, whose commerce or navigation it might be feared would be incidentally and indirectly affected, if it shall be found expedient to put the act in force against the insurgents of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[See General Appendix, No. 11, for the correspondence in the case of the Sunbeam.]

Mr. Adams to Mr. Seward.

No. 349.] LEGATION OF THE UNITED STATES,
London, March 13, 1863.

SIR: The law officers of the Crown having consumed some weeks in meditating on my several notes to Lord Russell of the 9th, the 16th, and the 19th of February, copies of which were submitted to you in my respective dispatches Nos. 322, 331, and 333, appear to have relapsed into their old theory of want of power to do anything at all to protect a friendly nation from the hostilities of British subjects who knowingly violate the injunctions of the Queen's proclamation.

I now have the honor to transmit copies of notes from Lord Russell, all dated the 9th instant, respectively, in answer to mine already mentioned. I mention them all in one letter, because they differ only in relation to the details, and all equally rest on the practical abnegation of will as well as of power to perform obvious international obligations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 9, 1863.

SIR: I have the honor to acquaint you that her Majesty's government have under their consideration your letter of the 19th ultimo, inclosing a copy of a memorial which has been addressed to the United States Secretary of State by the New York Mutual Insurance Company, claiming the repayment by her Majesty's government of certain policies of insurance upon the United States vessels Brilliant and Manchester, which have been destroyed on the high seas by the confederate steam vessel Alabama.

I have the honor to state to you that her Majesty's government entirely disclaim all responsibility for any acts of the Alabama, and they had hoped that they had already made this decision on their part plain to the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

[For other inclosures see same dispatch under "Enforcement of Neutrality," "General Subject," Vol. I, p. 577, and also same dispatch under "Rebel Cruisers," subdivision "Sumter," Vol. II, p. 520.]

[From British Blue Book, "North America," No. 1, 1864, p. 2.]

No. 3.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *March* 27, 1863.

MY LORD: Mr. Adams having asked for an interview, I had a long conversation with him yesterday at the Foreign Office.

He read me a dispatch of Mr. Seward on the subject of the Alabama and Oreto. In this dispatch, which was not unfriendly in its tone, Mr. Seward complains of the depredations on American commerce committed by vessels fitted out in British ports, and manned, for the most part, by British sailors. He alludes to the strong feeling excited in the United States by the destruction of her trading vessels and their cargoes. He repeats the complaint common in America, that England is at war with the United States, while the United States were not at war with England. He expresses his hope that Great Britain, in execution of her own laws, will put an end to the fitting out of such vessels to prey on the commerce of a friendly nation.

I said that the phrase that England was at war with America, but America was not at war with England, was rather a figure of rhetoric than a true description of facts. That the facts were that two vessels, the Oreto and the Alabama, had eluded the operation of the foreign enlistment act, and had, against the will and purpose of the British government, made war upon American commerce in the American seas. That the fitting out of the Alabama, the operation against which the foreign enlistment act was specially directed, was carried on in Portuguese waters at a great distance from any British port. That the most stringent orders had been given long ago to watch the proceedings of those who might be suspected of fitting out vessels of war for confed-

erate purposes. That if there were six vessels, as it was alleged, fitting out in British ports for such purposes, let evidence be forthcoming, and the government would not hesitate to stop the vessels and to bring the offenders before a court of justice. That Mr. Adams was, no doubt, aware that the government must proceed according to the regular process of law, and upon sworn testimony.

Mr. Adams, on the other hand, dwelt on the novelty and enormity of this species of warfare. He said that if a belligerent could fit out, in the ports of a neutral, swift armed vessels to prey upon the commerce of its adversary, the commerce of that belligerent must be destroyed, and a new and terrible element of warfare would be introduced. He was sure that England would not suffer such conduct on the part of France, nor France on the part of England. He should be sorry to see letters of marque issued by the President, but there might be no better resource than such a measure.

I said I would at once suggest a better measure. Mr. Seward had said to Lord Lyons that the crews of privateers had this advantage: that they reaped the whole benefit of the prizes they took, whereas the crews of men-of-war were entitled to only half the value of the prizes they took. Let the President, I said, offer a higher reward for the capture of the Alabama and Oreto to the crews of men-of-war than even the entire value of those vessels; let him offer double their value as a gratuity, and thus confine his action to officers and men of the United States navy, over whom he could keep a control, and who were amenable to the laws which govern an honorable profession. But what could Mr. Adams ask of the British government? What was his proposal?

Mr. Adams said there was one thing which might be easily done. It was supposed the British government were indifferent to these notorious violations of their own laws. Let them declare their condemnation of all such infractions of law.

With respect to the law itself, Mr. Adams said either it was sufficient for the purposes of neutrality, and then let the British government enforce it; or it was insufficient, and then let the British government apply to Parliament to amend it.

I said that the cabinet were of opinion that the law was sufficient; but that legal evidence could not always be procured. That the British government had done everything in its power to execute the law; but I admitted that the cases of the Alabama and Oreto were a scandal, and in some degree a reproach to our laws. Still, I said, it was my belief that if all the assistance given to the federals by British subjects and British munitions of war were weighed against similar aid given to the confederates, the balance would be greatly in favor of the federals.

Mr. Adams totally denied this proposition. But above all, he said, there is a manifest conspiracy in this country, of which the confederate loan is an additional proof, to produce a state of exasperation in America, and thus bring on a war with Great Britain, with a view to aid the confederate cause, and secure a monopoly of the trade of the southern States, whose independence these conspirators hope to establish by these illegal and unjust measures. He had worked to the best of his power for peace, but it had become a most difficult task.

Mr. Adams fully deserves the character of having always labored for peace between our two nations, nor, I trust, will his efforts and those of the two governments fail of success.

I am, &c.,

RUSSELL.

Mr. Adams to Mr. Seward.

No. 356.] LEGATION OF THE UNITED STATES,
London, March 27, 1863.

SIR: I am now to report the result of my conference with Lord Russell at 3 o'clock yesterday.

I began by expressing my regret that circumstances seemed to be once more conspiring to embarrass the friendly relations between the two governments. It had been my constant effort ever since I came, so far as I could, to defeat the machinations of those ill-disposed people whose object had been from the first to sow strife. But late events led me to fear that at last they might gain their point. Of the nature of the present danger I did not know that I could give his lordship a better idea than by laying before him a copy of a letter which had been transmitted to me by one of many active friends of peace in this country, as having been lately received by him from a responsible person in London. This would serve to show the nature of the means upon which these desperate rebel conspirators counted to inflame animosities between us.

I then read the letter, a copy of which I send you with this dispatch. It was received by me from Mr. Potter, the president of the Union and Emancipation Society at Manchester, who writes me that he had had no acquaintance with the author, but that he had reason to believe him to be a man of character.

The object of asking the interview I then explained to be an earnest desire to obtain the active co-operation of her Majesty's government to prevent the danger growing out of these machinations. Without such action I very much feared they might succeed; for I was now charged with the duty of laying before his lordship a frank statement of the difficulties under which my government labored in consequence of the increasing irritation of the people by reason of the successive accounts of the depredations committed by the two gunboats fitted out from here. My best course, I thought, would be to read to him, for his information, the dispatch on the subject which I had just received, though I was not instructed to do so, nor to leave a copy of it. I then, with his assent, read your No. 505. After I had finished it, I added an expression of my own strong conviction that the measure of issuing letters-of-marque therein referred to was one very distasteful to the government. I had myself great doubt of its efficacy, not less than of its expediency. In my view it would rather be like playing into the hands of the common enemy of both countries. But still it was not to be denied that the people in America felt as if they were now suffering from all the effects of war waged from this side of the water whilst their own hands were tied behind them. They very naturally argued that if such operations were to be carried on without any effectual labor to prevent them on the part of the government here, it was about as well to let the game be opened to both sides. I did not give this as conveying my own opinions, but simply to put his lordship in possession of the views held at home. And unless the government and those of us who were disposed to preserve amicable relations were furnished with some evidence of action to prove the determination of her Majesty's government to exert its power to protect us from the effects of this misconduct of a portion of her own subjects, it seemed impossible to resist the force of this popular reasoning.

His lordship then went over much of the same ground heretofore taken by him on the nature of the contest and the desire of Great Britain to

remain perfectly neutral. He adverted to the action of certain people at Liverpool as of a kind which he had always disapproved, to convince me of which he referred to his letter of last year, which had, he said, excited much dissatisfaction among them. I replied by reminding his lordship of the fact, as shown in the published diplomatic correspondence, that I had endeavored to give full credit at home to that letter. But the difficulty now was that we needed something more like evidence of efforts to prevent threatened evils.

His lordship said that the government was sincerely desirous to do all it could. Any attempt to go beyond the law would only end in disappointment. They had carefully consulted on the matter, had examined their powers, and were ready to exert them to the utmost. He had made some explanation of his views in the speech* he had made on Monday evening. He had since received a note from Lord Palmerston expressing his approbation of every word of that speech.

I said that I also had been much gratified in reading that speech. It would be regarded in America as altogether the most friendly which emanated from his lordship since the beginning of the troubles. Had the same sentiments been expressed then, we should not have been where we now are. I must also add that I should be highly gratified in writing home the substance of what he had said of Lord Palmerston. For whatever might have been my confidence in his own amicable spirit, I felt it no more than my duty frankly to confess to him my fear that it had not been shared by his lordship. I believe this was not the first time I had said as much to him. He replied that I had been and was mistaken. I then rejoined that it gave me extreme pleasure to learn it, and I only hoped that his lordship would take an early opportunity to bear the same testimony in public which he had done in his private note.

What was much needed in America was not solely evidence of action to prevent these armaments. It was the moral power that might be extended by the ministry in signifying its utter disapproval of all the machinations of the conspirators against the public peace. Hitherto the impression was quite general, as well in America as in this country, that the ministry held no common sentiment, and were quite disposed to be tolerant of all the labors of these people, if not indifferent to them. Here they were absolutely sustaining the rebels in the prosecution of the war by the advance of money, of ships, and of all the necessaries with which to carry it on as well by sea as on the land; and upon such notorious offenses ministers had never yet given out any other than an uncertain sound. The effect of this must be obvious. It encouraged the operations of British instigators of the trouble on this side, who believed that they were connived at, and, so believing, carried on their schemes with new vigor; whilst, on the other, it confirmed the popular impression in America that the government policy was really at heart hostile, and therefore should be met in a corresponding spirit. These were the views commonly held as they appeared to me from the calmest consideration I could give to the whole subject. I regretted them the more that I believed they were founded in a mistake, which might lead to very bad consequences. I should do what I could in deprecating any present resort to so doubtful a remedy as that of issuing letters-of-marque.

There was a strong and a growing popular sentiment throughout the kingdom, which might be relied upon partially to counteract the dangers which I feared. But I could not too earnestly beg his lordship at this

* For speech referred to, see Parliamentary and Judicial Appendix, No. 4.

crisis to think of the value that would in this sense attach to any unequivocal expression by persons in high authority of their condemnation of all enterprises in violation of the neutrality of this kingdom, now projected or in process of execution within its limits.

His lordship's tone throughout this conversation was unequivocally friendly, and I thought him not unimpressed by the earnestness of my representations. He went so far at one time as to express regret at the failure to prevent the departure of the two privateers. But he evidently considered it as a misfortune rather than a fault, which should be now repaired by us through the application of our "vast resources" to the capture of the offenders. He wondered that we had not done so. I replied that it was not for want of effort. But it should be remembered that this was a somewhat novel kind of warfare on the ocean. It consisted of depredation on the innocent and the unarmed, and running away from the strong and those prepared for defense.

The gunboats were known to be very fast vessels. The great improvement made in steam navigation had given facilities for this kind of piracy never before known, especially in favor of those who had nothing to lose, and against those who had commerce spread over every sea. I then gently reminded him that no nation would take more chances against itself, by tolerating such a practice, than Great Britain. A concerted effort made to surprise its navigation in remote portions of the globe might sweep half of it away before it had time to turn round and lay its hand on the right instruments to use for prevention, and then it would have the task before it of a wide and long chase after an offender swift to escape his punishment.

Having disposed of this matter, I next turned to the subject of the joint resolutions of Congress on foreign intervention, and agreeably to your instructions, contained in the printed circular* of the 9th March, I offered to read them to his lordship, or to leave a copy, as he might prefer. He said that Lord Lyons had already sent a copy of them, which he had read. His opinion on that subject was sufficiently known. He would, therefore, take a copy, which I accordingly put into his hands. Lastly, I alluded to a letter which had been sent to me from a respectable person at Liverpool, an earnest friend of peace and good will, urging me to suggest the propriety of prosecuting the parties known to have been connected with the outfit of the gunboats in Liverpool.

I said that I should not be unwilling to recommend my government to initiate any suitable form of proceedings if necessary, and if with the slightest hope of success in procuring conviction. I thought it no more than proper to present the subject to his lordship's consideration. He said he would think of it, and take advice. Should it appear that anything effectual could be done, he would let me know.

I have by no means reported the whole of this conversation, which lasted more than an hour. The conclusion which I draw from it is, that the government is really better disposed to exertion, and feels itself better sustained for action by the popular sentiment, than ever before. I should, therefore, be inclined to recommend at least a postponement of all resort to what might be regarded as minatory or dangerous measures. In the present favorable state of the popular mind, it scarcely appears advisable to run the risk of changing the current in Great Britain by the presentation of a new issue, that might rally all the national pride against us, as was done in the Trent case, and that for the attainment

* For circular referred to, see Vol. I, p. 8.

of a very uncertain compensation for our possible difficulties on the ocean.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

LONDON, *March* 20.

SIR: You are doubtless aware that the money received from the confederate loan is to be applied to the payment of sundry vessels, building for the confederate government at sundry English ports, which vessels are to be got to sea at any cost, the South believing that the irritation caused by the depredations of the Alabama, increased by the departure of other vessels under similar circumstances, will force on a war between Great Britain and the United States, and thus secure independence to the South, and to the subscribers to the loan their cotton.

I have this view in writing from one who says he was the party who first suggested to Messrs. J. H. Schroeder & Co. to take up the loan, (all of which I mention to you in confidence,) seeing the tone and style lately adopted by Earl Russell on the American question and particularly in his correspondence with Mr. Adams, and the apparent apathy of our government and people.

I must own I firmly believe that we shall drift into a war with the United States. A further departure of Alabamas from our ports would, I believe, fan irritation into a flame, and they *will* depart, and *very soon*, unless the most determined and energetic action is at once adopted by our government. I say so advisedly.

Can you not take measures to have the subject *continually*, *importunately* ventilated in Parliament, as the friend of the slave, as the advocate of constitutional liberty, as a lover of your own country.

I, a stranger, venture to call your immediate attention to this subject. I know more than I can in honor tell.

Begging to apologize for troubling you with this communication, I am yours faithfully, ——— ———.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 359.] LEGATION OF THE UNITED STATES,
London, March 28, 1863.

SIR: In transmitting herewith a copy of *The Morning Star* of to-day, containing a report of the debate of last evening in the House of Commons, I can only express my regret that the substance of it should fall so far short of what I had been led to expect.

* * * * * * * *

The result is rather to undo in the popular mind the effect of Lord Russell's speech than to confirm it. In truth, this exhibition furnishes another illustration of the horizontal manner in which our struggle is dividing opinion in Great Britain.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For debate referred to see Parlimentary and Judicial Appendix, No. 9.]

Mr. Dudley to Mr. Seward.

No. 54.] UNITED STATES CONSULATE,
Liverpool, March 28, 1863.

SIR: I have the honor to inclose you copies* of certain letters and papers which I procured yesterday. They are all original except the letter from James D. Bullock to S. R. Mallory, dated January 30, 1862, which is a copy made by Mr. Yonge, who at the time this was written was acting as clerk to Captain Bullock.

No. 1. Copy of letter to S. R. Mallory, secretary of navy, from James D. Bullock, dated January 30, 1862.

No. 2. A receipt from William Andrews, midshipman, to Mr. Yonge, dated July 9, 1862; approved by James H. North, of Confederate States navy.

No. 3. Copy of letter from Captain Bullock to Paymaster Yonge, dated July 28, 1862.

No. 4 is an order of Captain Bullock, appointing C. R. Yonge paymaster on the Alabama, dated July 30, 1862, and certificate of Captain Semmes, dated August 24, 1862, that he had reported for duty.

No. 5. An account of the destruction of the Hatteras, written by Mr. Yonge, the purser.

No. 7. Order of Captain Semmes dismissing Yonge.

I should have sent you the originals, but think it best to retain them until I have seen Mr. Adams. They may be of some service to us in arresting the gunboats building here for the insurgents. They are all genuine.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

UNITED STATES CONSULATE,
Liverpool, April 1, 1863.

SIR: I am informed that Mr. Barnett, who shipped the men for the 290, has been engaging men here for several days, and that they are for the Alabama. They are to be regularly shipped for the Gibraltar, late Sumter, which is to clear out in the regular way, and is expected to leave in four or five days. What appears to confirm this information is, a letter has been received by a Mrs. Cosgrave from her son on board the Alabama, and she requested to send a coat which he left behind, "directed as before," that is, to be left with Klingender, to be forwarded. Klingender, as you know, is the reported owner of the Gibraltar, and a tool of Fraser, Trenholm & Co. The writer also says, "I hope to be home soon."

There is also a man here who was landed at the West Indies sick from the Alabama, who is among the persons engaged by Barnett, and he has said he is returning to the Alabama.

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*For these inclosures see dispatch from Mr. Adams to Mr. Seward, No. 362, April 3, 1863, *post.*

Any further information obtained will be communicated by next steamer.

With high respect, I am, sir, your obedient servant,

T. H. DUDLEY.
Per H. S. WILDING,
Vice-Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr Seward.

[Extract.]

No. 58.] UNITED STATES CONSULATE,
Liverpool, April 3, 1863.

SIR: * * * * * * * *

While there, [at London,] Clarence R. Yonge, a paymaster in the confederate navy, and late on the Alabama in that capacity, made his appearance at the legation for the purpose of taking the oath of allegiance to the United States, &c. Mr. Adams and myself being of the opinion that his testimony was of much value to us, and he professing a willingness to give it, we availed ourselves of the opportunity. I took him to my rooms, sent for Mr. Crowdy, an attorney, and took his affidavit. Mr. Adams, who has it, is to send you a copy by the same steamer that takes this. It imparts much valuable information about the fitting out of the Alabama and the operations of the confederates in England. With the letters, I have enough to convict the Lairds, A. E. Byrne, M. G. Klingender, Frazer, Trenholm & Co., Fawcett, Preston & Co., and Captain James D. Bullock, (who is still here superintending the building of the iron-clads,) under the foreign enlistment act, if there was any disposition on the part of the government to take it up and to punish those who violate their laws. Mr. Adams has already sent the government copies of the letters now in my possession, written by Mr. Bullock, to which I called your attention in a previous dispatch, and will doubtless call their attention to this affidavit, and if he has not already done it, ask them to prosecute. I have no idea that they will do anything.

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With high regard, I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extract.]

No. 362.] LEGATION OF THE UNITED STATES,
London, April 3, 1863.

SIR: I have the honor to transmit a copy of several notes which have passed between myself and Lord Russell respecting certain vessels in preparation at Liverpool to carry on hostilities against the United States. The evidence already collected to sustain these allegations, and that which we are in a way to obtain, will be of a kind, I trust, to enable

the government to exert its proper power in some form of repression. I have labored to impress upon his lordship the value of some demonstration of the kind as a protection to both countries against the unhallowed intrigues of desperate adventurers, British and American. I really think his lordship and a portion of the cabinet ministers sincerely so disposed. Others are inclined an opposite way, and still others are indifferent. So that it is impossible to predict what may be done. At Liverpool, it is not probable that any efforts of government officers to give aid can be depended upon.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For remaining notes and inclosures see same dispatch, under heads of "Enforcement of Neutrality," subdivisions "Phantom and Southerner" and "Alexandra," Vol. II, pp. 229 and 260, respectively.]

Mr. Adams to Earl Russell.

[Extract.]

LEGATION OF THE UNITED STATES,
London, March 30, 1863.

MY LORD: * * * * * * *

I have the honor likewise to submit to your lordship's consideration another note from Mr. Dudley, of the 28th instant, transmitting copies of certain papers which appear to prove quite conclusively the relation of certain persons in Liverpool, whose names appear therein, to the insurgent authorities in the United States. It thus appears that the same individuals who were concerned in the outfit and departure of the gunboat "No. 290," are those now mentioned as directing the outfit of the Alexandra. I would most especially solicit your lordship's attention to the letter of instruction signed by James D. Bullock, and dated 28th of July, 1862. This was the day before the departure of No. 290 from Liverpool. The directions to enlist her Majesty's subjects, together with the means to be resorted to in order to persuade them to carry on war against the people of a friendly nation, are most particularly deserving of notice. As connecting the links of evidence touching the purposes of the parties at Liverpool, the allegation of the dispatch of the Agrippina from Liverpool with the necessary objects to complete the warlike equipment of No. 290 seems to be of essential value.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[For other inclosures with above note, from 1 to 9, see dispatch of Mr. Adams to Mr. Seward, No. 362, April 3, 1863, under the head of "Enforcement of Neutrality," subdivision "Alexandra," Vol. II, p. 260.]

No. 9.

Mr. Dudley at Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, March 28, 1863.

SIR: I inclose you copies of certain papers that came into my possession yesterday. The letter from Bullock to Mallory is merely a copy kept by Mr. Yonge, who was at the time acting as Captain Bullock's secretary. The others are original. They are all genuine.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. C. F. ADAMS,
United States Minister.

N. B.—The steamer Peterhoff, that they are talking about so much, took out a cargo of arms, &c., from Hull or London; ran them into Charleston through the blockade, and returned to this port with cotton

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No. 10.

Captain Bullock to Mr. Mallory.

WILMINGTON, N. C., *January* 30, 1862.

SIR: Day before yesterday I went down to the mouth of Cape Fear River to examine the present position of the blockading squadron, and to learn something of their general movements. As the depth of water over New Inlet Bar is less than the draught of the Annie Childs, I merely noted the fact that two bark-rigged gun-boats were anchored off that entrance, and proceeded at once to the mouth of the main river. I returned to the city last night, and regret to report that the enemy are very active and watchful, and lie in such a position as to forbid any attempt to run out, except under very fortuitous circumstances of weather. Two gun-boats are now lying about one mile west-southwest from the bar, and one of them practiced target firing for two or three hours on Tuesday, at a house on the beach. The guns used were 11-inch and 6½-inch rifled, as proved by shells picked up in the woods. The firing was excellent in range and direction, the distance being two miles and the house being completely riddled. To-day the Annie Childs is ready for sea, and it is Captain Hammer's intention to drop her down at high water to-morrow, as far as the bends of the river will afford concealment from the enemy's glasses off the bar, and there to await the first favorable chance to slip out. Captain Hammer has had much difficulty in getting a pilot, and even now is not sure of the one he has engaged for the voyage, several having already begged off after positive engagements to go. In such adventures as these all must necessarily be of willing minds. I cannot, sir, exaggerate the relief I will experience in being rid of all such obstacles as are beyond my own judgment and control, nor the intense satisfaction with which I will hail the first plunge of the deep-sea lead, with its assurance that the Annie Childs is free from skittish pilots as well as blockaders. Midshipman Maffit has this morning reported to me for duty. I have directed Mr. Yonge to open a regular pay-roll, and to take up all the officers' accounts. Will you please inform me whether they are to draw sea pay from date of orders, or from the time of joining a ship

in England. I will have no funds for pay accounts here, but I hope to get off so soon as not to make it necessary to draw for any. It is quite impossible to appoint a sailing day, but as no opportunity will be lost I may not be able to write you again, but will arrange to have a telegraph sent you whenever the ship gets out.

As I go down in the ship to-morrow, you will please direct any further communication to care of Howell, of this place, who will forward all letters to me at Smithville.

I am, very respectfully, your obedient servant,

JAMES D. BULLOCK.

Hon. S. R. MALLORY,
Secretary of the Navy.

No. 11.

Receipt of money from Clarence Yonge.

LIVERPOOL, *July* 9, 1862.

Received from Clarence R. Yonge, assistant paymaster Confederate States navy, the sum of twenty pounds on account of pay and travel.
£20.

WILLIAM ANDREWS, *C. S. N.*,
Acting Master Confederate States Navy.

Approved; and Clarence R. Yonge, assistant paymaster Confederate States navy, will pay the above amount, twenty pounds, to William Andrews, acting midshipman Confedederate States navy.

JAMES H. NORTH, *C. S. N.*

No. 12.

Captain Bullock to C. R. Yonge.—Instructions.

LIVERPOOL, *July* 28, 1862.

SIR: You will join the steamship Alabama, temporarily under the orders of Captain W. J. Butcher, and proceed in her to sea. The Alabama may have to cruise several days in the British Channel and to touch at one or two ports: during this time you are strictly enjoined not to mention that you are in any way connected with Confederate States navy, but you will simply act as the purser of a private ship. In this capacity you will keep accounts of all moneys paid, and you will assist Captain Butcher in any way he may desire. You have been provided with an invoice of everything now on board the Alabama, as well as the cargo shipped on board the brig Agrippina, which vessel you will meet at the port to which the Alabama is bound. The invoice of the Agrippina's cargo gives the mark and number of every case and bale, the contents of each, and the part of the vessel in which it is stowed. You will endeavor to make yourself fully acquainted with the invoices, and examine the store-rooms, so that you will be able to give sufficient aid in getting everything in its proper place when the transfer of stores is made. When the Alabama is fairly at sea, you will mix freely with the forward and petty officers, show interest in their comfort and welfare, and endeavor to excite their interest in the approaching cruise of the ship; talk to them of the southern States, and how they are fighting against great odds for

only what every Englishman enjoys, "liberty;" tell them that at their port of destination a distinguished officer of the Confederate States navy will take command of the ship, and he will ask them to ship for a cruise in which they will have the most active service and be well taken care of. I do not mean that you are to make the men set speeches, or be constantly talking to them; but in your position you may throw out to leading men hints of the above tenor, which will be circulated upon the berth deck. Seamen are very impressionable, and can be easily influenced by a little tact and management.

When Captain Semmes joins you will at once report to him, and act, therefore, under his instructions. He will be a stranger to the ship and crew, and will be in a position of great responsibility and embarrasment. You have it in your power to smooth away some of his difficulties in advance, especially in having all the stores and cargo of the ship in an orderly state, and the men settled and well disposed, and I confidently rely upon your exertions to bring about such a state of things. You will consider yourself as temporarily under the orders of Captain Butcher, in whom I place great confidence; and by strict attention to your duties and the display of zeal and judgment in their execution you will evince a just appreciation of the trust reposed in you, and will prove that your appointment to so important a post has been deserved. Wishing you every success.

I am, respectfully, your obedient servant,

JAMES D. BULLOCK,
Commander Confederate States Navy.

C. R. YONGE,
Acting Assistant Paymaster.

No. 13.

Bullock to Yonge, appointing him acting assistant paymaster.

LIVERPOOL, *July* 30, 1862.

SIR: By virtue of authority granted me by the Hon. S. B. Mallory, secretary of the navy of the Confederate States, I hereby appoint you an acting assistant paymaster. This appointment to date from the 21st day December, 1861.

Very respectfully,

JAMES D. BULLOCK,
Commander Confederate States Navy.

CLARENCE R. YONGE,
Acting Assistant Paymaster Confederate States Navy.

Acting Assistant Paymaster Yonge reported to me for duty on board the Confederate States steamer Alabama near the Island of Terceira on the 24th August, 1862.

R. SEMMES, *Commander.*

No. 14.

Captain Semmes to Yonge, revoking appointment.

CONFEDERATE STATES STEAMER ALABAMA,
Port Royal, January 25, 1863.

SIR: Your appointment as acting paymaster of the ship is hereby revoked. You will turn over all the rolls and papers connected with your

late office to Acting Paymaster Galt, who has been appointed to relieve you. As to the disposition of your person, you may either remain on board this ship as supernumerary until an opportunity shall offer of sending you to the Confederate States, or go on shore here, as you may prefer.

I have the honor to be, very respectfully; your obedient servant,

R. SEMMES, *Commander.*

C. R. YONGE, Esq.,
Late Acting Assistant Paymaster C. S. S. Alabama.

Mr. Adams to Mr. Seward.

No. 363.] LEGATION OF THE UNITED STATES,
London, April 3, 1863.

SIR: I have the honor to transmit a copy of a further official publication of documents connected with the case of the gunboat No. 290. Although they are by no means complete, the effect of them is to dissipate some of the illusions created by the solicitor general in his speech of Friday last.

Mr. Dudley has consulted me respecting a more full publication of these papers, so far as his action is concerned, and I have advised it. In truth, the moral sense of the country has not be enquieted by the parliamentary narcotic. And the impression that a war may grow out of it makes those who are really friendly to peace disposed to exert themselves. The appearance of taking a side against one's own, and in favor of a foreign government, is very properly regarded with aversion in all countries. I do not, therefore, press the subject on the consideration of any one here. It is much better to submit the evidence to the public, correcting, as far as possible, the natural tendency to misstatement and misconstruction, without any attempt to fortify it by argument.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

THE ALABAMA.

Return to an order of the honorable the House of Commons, dated March 20, 1863, for copy "of, or extracts from, the correspondence between the commissioners of customs and the custom-house authorities at Liverpool, relating to the building, fitting out, and sailing of the vessel No. 290, since known as the confederate cruiser Alabama."

Customs.

Correspondence relating to the gunboat No. 290, (Alabama.)

[The following enumerated documents will be found printed *ante*, with dispatch No. 196 of Mr. Adams to Mr. Seward, dated July 25, 1862.]

Copy of a letter from the United States consul to the collector of customs, Liverpool, dated Liverpool, July 9, 1862.

Copy of a letter from the collector of customs, Liverpool, to the United States consul, dated Liverpool, July 10, 1862.

No. 345. Copy of a letter to the collector at Liverpool of July 15, 1862.

No. 1200. Copy of a letter from the collector of customs, Liverpool, to the commissioners of customs, dated Liverpool, July 21, 1862.

Depositions of William Passmore, John De Costa, Allan S. Clare, Henry Wilding and Matthew Maguire, Thomas Haines Dudley, and Matthew Maguire.

No. 353. Copy of a letter from the commissioners of customs to the collector of customs, Liverpool, dated London, July 22, 1862.

No. 1095.

Copy of a letter from the collector, Liverpool, to the commissioners of customs, dated Liverpool, June 28, 1862.

HONORABLE SIRS: The particulars of the vessel alluded to in the inclosed papers are given, as far as is known, in the report of the surveyor; and which I respectfully submit for the information of the board.

S. PRICE EDWARDS.

Copy of surveyor's report referred to.

LIVERPOOL, *June* 28, 1862.

SIR: I most respectfully beg to report that the vessel to which these papers refer has not escaped the notice of the customs officers, but as yet nothing has transpired concerning her which appeared to demand a separate report.

The officers have at all times free access to the building yards of the Messrs. Laird at Birkenhead, where the said vessel is now lying, and there has been no attempt on the part of her builders to disguise what is most apparent to all, that she is intended for a ship of war.

Agreeably with your directions I have personally inspected her, and find that she is rightly described in the communication of the United States consul, except that her engines are not on the oscillating principle. Her dimensions are as follows: Length, two hundred and eleven feet six inches; breadth, thirty-one feet eight inches; depth, seventeen feet eight inches; and her gross tonnage, by the present rule of admeasurement, is six hundred and eighty-two and thirty-one one-hundredths tons.

She has several powder canisters on board, but neither guns nor carriages as yet.

The current report of that vessel is, that she has been built for a foreign government, and that is not denied by the Messrs. Laird, with whom I have communicated upon the subject; but they do not appear disposed to reply to any question with reference to the destination of the vessel after she leaves this port, and we have no other reliable source of information.

It will be in your recollection that the current report of the gunboat Oreto was, that she had been built for a foreign government, which vessel recently left this port under a British flag, without any guns or ammunition on board, as previously reported.

I beg to add that any further information that may be obtained concerning the vessel referred to, will be immediately reported, agreeably with your directions.

Very respectfully,

E. MORGAN, *Surveyor.*

No. 1151.

Copy of a letter from the collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, July* 10, 1862.

HONORABLE SIRS: I have this morning received the inclosed communication from the American consul, Mr. Dudley, which I respectfully submit for the consideration of the board. I annex the copy of my letter to the consul acknowledging his communication, and I beg a reference to the inclosed report of this day's date, from Mr. Morgan, the surveyor, showing the state which the vessel is now in; if she is for the confederate service, the builders and parties interested are not likely to commit themselves by any act which would subject them to the penal provisions of the foreign enlistment act.

S. PRICE EDWARDS.

Copy of surveyor's report referred to.

SURVEYOR'S OFFICE, *July* 10, 1862.

SIR: I beg to report that agreeably with your directions I have this day inspected the steamer lying at the building yard of the Messrs. Laird, at Birkenhead, and find that she is in the same state, as regards her armament, as on the date of my former report.

She has no guns or carriages on board, nor are her platforms fitted to the deck.

Very respectfully,

E. MORGAN.

Copy of a letter from the United States consul to the collector of customs, Liverpool.

UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: Referring to my previous communications to you on the subject of the gunboat No. 290, fitted out by Mr. Laird, at Birkenhead, I beg now to inform you that she left the Birkenhead dock on Monday night, and yesterday morning left the river, accompanied by the steam-tug Hercules.

The Hercules returned last evening, and her master stated that the gunboat was cruizing off Point Lynas; that she had six guns on board concealed below, and was taking powder from another vessel.

The Hercules is now alongside the Woodside landing stage, taking on board men, (forty or fifty,) beams—evidently for gun carriages—and other things, to convey down to the gunboat.

A quantity of cutlasses were taken on board on Friday last.

The circumstances all go to confirm the representations heretofore made to you about this vessel, in the face of which I cannot but regret she has been permitted to leave the port; and I report them to you that you may take such steps as you may deem necessary to prevent this flagrant violation of neutrality.

I am, &c.,

THOMAS H. DUDLEY, *Consul.*

Copy of a letter from Mr. E. Morgan, surveyor, to the collector, Liverpool.

SURVEYOR'S OFFICE, *July* 30, 1862.

SIR: Referring to the steamer built by the Messrs. Laird, which is suspected to be a gunboat intended for some foreign government, I beg to state that since the date of my last report concerning her she has been lying in the Birkenhead docks fitting for sea, and receiving on board coals and provisions for her crew.

She left the dock on the evening of the 28th instant, anchored for the night in the Mersey, abreast the Canning dock, and proceeded out of the river on the following morning, ostensibly on a trial trip, from which she has not returned.

I visited the tug Hercules this morning as she lay at the landing stage at Woodside, and strictly examined her hold and other parts of the vessel. She had nothing of a suspicious character on board; no guns, no ammunition, or anything appertaining thereto. A considerable number of persons, male and female, were on deck, some of whom admitted to me that they were a portion of the crew, and were going to join the gunboat.

I have only to add that your directions to keep a strict watch on the said vessel have been carried out, and I write in the fullest confidence that she left this port without any part of her armament on board; she had not as much as a signal gun or musket.

It is said that she cruised off Point Lynas last night, which, you are aware, is some fifty miles from this port.

Very respectfully,

E. MORGAN, *Surveyor.*

No. 1229.

Copy of a letter from the collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, July* 30, 1862.

HONORABLE SIRS: Immediately on receipt of the aforegoing communication Mr. Morgan, surveyor, proceeded on board the Hercules; and I beg to inclose his report, observing that he perceived no beams, such as are alluded to by the American consul, nor anything on board that would justify further action on my part.

Respectfully,

S. PRICE EDWARDS.

Copy of reply, July 31, 1862, *by telegraph, sent at* 11.35 *a. m., to the collector of customs, Liverpool.*

Examine master of Hercules, whether he can state that guns are concealed in vessel 290, and that powder has been taken on board.

JULY 31, 1862, at about 7½ p. m.

Telegrams were sent to the collectors at Liverpool and Cork, pursuant to treasury rrder, dated July 31, to seize the gunboat (290) should she be within either of those ports.

Similar telegrams to the officers at Beaumaris and Holyhead were sent on the morning of the 1st August. They were not sent on the 31st July, the telegraph offices to those districts being closed.

And on the 2d August a letter was also sent to the collector at Cork to detain the vessel should she arrive at Queenstown.

Copy of a letter from the collector, Liverpool, to F. G. Gardner, esq.

CUSTOM-HOUSE, *Liverpool, July* 31, 1862.

SIR: With reference to the telegram which I received to-day from you, directing me to examine the master of the steam-tug Hercules, I have the honor to state that the master cannot be found to-day; but I hope I may be able to get his deposition to-morrow. I may state, however, that he said yesterday to Mr. Morgan, the surveyor, that he had not taken any guns to the ship, (No. 290,) nor had he seen any on board.

I am, &c.,

S. PRICE EDWARDS.

No. 1237.

Copy of a letter from the collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 1, 1862.

HONORABLE SIRS: The master of the Hercules has attended this morning, and I beg to inclose his examination, taken on oath, whereby it will be seen that the statement in the letter of the American consul, forwarded with my report of the 30th ultimo, (No. 1229,) is not borne out. The board will see that the vessel has left the port. Should opportunity, however, offer, she shall be seized in accordance with the directions of the board, as contained in the telegram of yesterday's date.

S. PRICE EDWARDS.

The examination of Thomas Miller, taken on oath by the collector.

I am the master of the steamtug Hercules. I accompanied the new gunboat built by Mr. Laird (No. 290, I believe she is distinguished by) to sea on Tuesday last. I kept in sight of her, in case the services of the steamtug should be required, until she lay to, about a mile off the Bell buoy, and about fourteen miles from the Canning Dock. The vessel left her anchorage about 10 a. m., and I left her between 4 and 5 p. m. I saw nothing on board the ship but coals. I returned from the vessel in the evening, and got into the river about 7 p. m.; there were some of Mr. Laird's workmen and riggers on board; all of these, I believe, I brought back. The next day, Wednesday, I left the landing-stage in the river, and took with me from twenty-five to thirty men,

who, I believe, were to be employed on board as part of the crew; they appeared to be all sailors or firemen. I found the vessel about 3 o'clock that afternoon in Beaumaris Bay. I put the men on board, and lay alongside till midnight. We were from three or four miles from the shore; it was a fine day. Besides the men, I put on board an anchor-stock, a piece of wood about fifteen feet long, and two pieces of brass belonging to the machinery. I neither carried guns, powder, or ammunition of any kind to her, nor did I see anything of this description on board, nor yet being put on board. There was no vessel of any description came near the vessel while I was by her. I have never seen the American consul to my knowledge. I never told him or any one else they were taking powder on board the new vessel. I never was told what she was for, or what was her destination. The piece of wood which I have mentioned was not in any way fit for a gun-carriage. I thought it was intended to rest the ship's boat upon; it was planed and cut out for some purpose, if not to rest the boat upon.

THOMAS MILLER.

Sworn at the custom-house, Liverpool, August 1, 1862.

Copy of a letter from the collector, Beaumaris, to F. G. Gardner, esq.

CUSTOM-HOUSE,
Beaumaris, August 1, 1862.

SIR: I duly received your telegraph message at 2.10 p. m. I have communicated with the principal coast officer at Holyhead, and I am proceeding immediately to Amlwch, and from thence to Point Lynas; and if the steamship 290 is off there, I hope to be on board her soon after dark this evening.

In haste, I am, &c.,

W. H. SMITH, *Collector.*

Copy of a letter from the principal coast officer, Holyhead, to the secretary to the customs, London.

CUSTOM-HOUSE,
Holyhead, August 1, 1862.

SIR: Your telegram respecting the iron steam vessel 290 is duly to hand.

The vessel is not at present within the limits of this creek. I have arranged that constant watch shall be kept, so that immediately upon her entering either of the harbors or the roadstead she will be seized; and I am now leaving (to go along the coast) to Point Lynas and Amlwch, to make further inquiries.

I beg also to state that I have forwarded a copy of the message to the collector of customs, Beaumaris, and the principal coast officer at Amlwch.

I have, &c.,

E. B. CUNNAH,
Principal Coast Officer.

Copy of a letter from the collector, Beaumaris, to F. G. Gardner, esq.

CUSTOM-HOUSE,
Beaumaris, August 2, 1862.

SIR: On receipt of your telegram on the 1st instant, directing me to seize the steamship 290, reported to be off Point Lynas, I immediately proceeded to Amlwch and instituted inquiries, but could get but little satisfactory information. I heard that there had been a suspicious screw bark in Moelfra Roads on Wednesday last; that the shore boats would not be allowed alongside. I called on Mr. Pierce, chief officer of the coast guard, and consulted with him; I requested that he should order his boat, with four hands armed, to be at Point Lynas by 5 o'clock the next morning to meet us; I took a car at Amlwch accompanied by Mr. Pierce and my principal coast officer, and proceeded to Point Lynas Lighthouse, and made every inquiry of the keeper. I then proceeded to the telegraph station, and on inquiry there found that the suspected vessel had not been seen by either party since Wednesday evening, when she was riding in Moelfra Roads. We then got into the coast-guard boat, and proceeded to Moelfra, and found that a large black screw bark, or three-masted topsail yard screw steamer, with black funnel, and no name or port on her, had arrived at Moelfra Roads at 7.30 p. m. on Tuesday evening last, and came to anchor; that a fishing boat was going alongside, and asked if they wanted any fish; the answer from the steamer was, "No; keep off." On Wednesday they appeared to be washing the decks and cleaning her, and about 5 p. m. a tugboat, supposed to belong to the Old Tug Company, of Liverpool, went alongside with what was supposed to be an excursion party; the passengers going on board the screw steamer; there was music on board. The tugboat remained alongside until about 10 o'clock p. m. the same evening, when she left; the shore people could not say whether she took the party she brought back again, because it was too dark. At 3 o'clock a. m. the following morning, viz, Thursday, the screw steamer got under way and proceeded to sea, and has not since been seen by any parties on the shore along the whole part of that coast.

They held no communication whatever with the shore during her stay in Moelfra Roads.

I am, &c.,

W. H. SMITH, *Collector.*

Copy of a letter from the collector, Cork, to the secretary to the customs.

GUNBOAT 290, THE SUBJECT OF TELEGRAM FROM THE SECRETARY OF CUSTOMS, 31ST ULTIMO, AND BOARD'S ORDER 89, 1862.

CUSTOM-HOUSE,
Cork, August 4, 1862.

SIR: Immediately on the receipt of your telegraphic message, steps were taken for the detention of the above-mentioned vessel should she put into this port, but up to the close of this letter, 4 p. m., she has not made her appearance.

I am, &c.,

F. CASSELL, *Collector.*

No. 1380.

Copy of a letter from the assistant collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE,
Liverpool, September 3, 1862.

HONORABLE SIRS: With reference to the collector's report of the 1st ultimo, No. 1237, I beg to transmit, for the information of the board, the annexed reports from the surveyor and assistant surveyor, detailing some information they have obtained respecting the gunboat No. 290. I also inclose a specification of the cargo taken out by the Bahama, and which, there appears no reason to doubt, was transferred to the gunboat.

Respectfully,

W. G. STEWART, *Assistant Collector.*

Copy of report from the assistant surveyor, Liverpool.

LIVERPOOL, NELSON DOCK,
September 2, 1862.

SIR: I beg to state that a steamship called the Bahama arrived here last evening from Angra, (the capital of the island of Terceira, one of the Azores,) having previously cleared from Liverpool for Nassau.

In consequence of a paragraph which appeared in the newspaper of this morning in reference to above vessel, I deemed it expedient to send for the master, Tassier, and to inquire the nature of the cargo shipped on board in Liverpool. He states that he received sixteen cases the contents of which he did not know, but presumed they were arms, &c., and after proceeding to the above port, transferred the sixteen cases to a Spanish vessel, and returned to Liverpool with a quantity of coals.

The master also states that when off the Western Islands he spoke the confederate gunboat Alabama, (No. 290, built in Mr. Laird's yard, at Birkenhead,) heavily armed, having a one hundred-pounder pivot gun mounted at her stern, which he believes is intended to destroy some of the seaport towns in the northern States of America.

The above case having excited much interest in the port, I deemed it expedient to report the facts for your information.

Respectfully,

J. HUSSEY, *Assistant Surveyor.*

Specification of shipment per Bahama, 11th August, 1862.

		Cwts.	qrs.	lbs.
O [B] P	1.—1 case containing 1 cast iron gun, weighing.	49	1	14
	2.—1 case containing 1 broadside carriage, weighing	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c., weighing	2	1	14
O [B] P_2	1.—1 case containing 1 cast-iron gun, weighing.	49	1	14
	2.—1 case containing 1 broadside carriage, weighing	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c., weighing	2	0	10

		Cwts.	qrs.	lbs.
O[B]P SOL	1 to 6.—6 cases containing 50 cast shot, weighing	13	1	20
[B]B SOL	1 to 6.—6 cases containing 50 cast shot, weighing	17	2	6
[B]B	1.—1 case containing brass vent covers, weighing	0	0	5
	Total weight	158	1	27

Total value, £220.

Copy of report from the surveyor, Liverpool.

SURVEYOR'S OFFICE, *September* 3, 1862.

SIR: I beg to report, for your information, that the British steamship Bahama, Tassier master, which vessel cleared out for Nassau, and sailed on the 13th ultimo with nineteen cases, contents as per specification annexed, has returned to this port and entered inwards, in ballast, from Angra.

The master of her is not disposed to enter very freely into conversation upon the subject, but from others on board, there appears to be no doubt that the cases above referred to were transferred to the gunboat No. 290.

Captain Semmes, formerly of the confederate steamer Sumter, took passage in the Bahama, together with some fifty other persons, and they are described as being the permanent crew of the 290, now known as the Alabama.

Respectfully,

E. MORGAN, *Surveyor.*

Copy of a letter from Mr. Goold, searcher, Liverpool.

SEARCHER'S OFFICE,
Liverpool, September 19, 1862.

SIR: I beg to state that I have referred to the manifest of the Bahama, which vessel cleared for Nassau on the 12th ultimo, and find that Messrs. Fawcett, Preston & Co., engineers and ironfounders, of this town, shipped on board that vessel nineteen cases, for which they furnished a bill of lading and specification, as required by the customs tariff amendment act, 1860. That document is at present with the examiner in London, from whom it may be obtained on application being made for file No. 2736. I recollect, however, that the contents were cannon, &c., value £220.

The manifest shows no other cargo, except five hundred and fifty-two tons of coals, for the consumption of the steamer herself.

Respectfully submitted:

H. GOOLD, *Office Searcher.*

No. 1440.

Copy of a letter from the assistant collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 19, 1862.

HONORABLE SIRS: A specification of the cargo taken out by the Bahama, on the voyage herein alluded to, was transmitted to the board with my report of the 3d instant, No. 1380. I beg to inclose the manifest, showing that there were nineteen cases of merchandise on board. The bills of lading for these are now with the examiner, but no entry was made of specie; the coals taken on board were represented to be for the ship's use.

Respectfully,

W. G. STEWART,
Assistant Collector.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 364.] LEGATION OF THE UNITED STATES,
London, April 3, 1863.

SIR: On Thursday, the 1st instant, Mr. Clarence R. Yonge made his appearance at this legation. He announced himself as a native of Washington and a resident of Savannah. He had received a commission as paymaster in the steamer Alabama, on her departure from Liverpool in July last, and had served in that capacity down to the time of her arrival at Kingston, in Jamaica.

* * * * * * *

The result is the document of which I have the honor to transmit herewith. I shall send another copy of it to Lord Russell so soon as it can be prepared. It comes, happily, in aid of other evidence at the moment in my possession, going to establish beyond a doubt the position of Captain Bullock as an agent of the rebel authorities within this kingdom.

* * * * * * *

I think I can say this: that so far as his testimony is concerned it appears to me very strongly confirmed by all the evidence heretofore received *aliunde*, as to the departure, outfit, and adventures of the gunboat 290.

* * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For inclosed deposition see dispatch of Mr. Adams to Mr. Seward, No. 368, April 9, 1863, *post.*]

Mr. Seward to Mr. Adams.

No. 542.] DEPARTMENT OF STATE,
Washington, April 8, 1863.

SIR: I transmit a copy of a memorial addressed to the President of the United States by the president and secretary of the Panama Rail-

road Company, complaining of the destruction of the bark Golden Rule, belonging to that company, by the steamer Alabama, built and armed, and perhaps manned, in England.

You will present the case to Earl Russell, with a note setting forth that this government regards that of her Britannic Majesty accountable in this as in other similar cases.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For inclosure see dispatch, No. 397, of Mr. Adams to Mr. Seward, dated April 30, 1863, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 368.] LEGATION OF THE UNITED STATES,
London, April 9, 1863.

SIR: * * * * * * *

I now transmit a copy of my note of the 4th instant, covering a copy of Mr. Yonge's deposition, the same that was forwarded by me with my No. 364, sent last week; also a copy of his lordship's reply, on the 5th instant.

* * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 4, 1863.

MY LORD: I have the honor to submit to your consideration the copy of an affidavit, voluntarily made by Clarence R. Yonge, being in the nature of cumulative evidence, to show the execution of a deliberate plan to establish within the limits of this kingdom a system of action in direct hostility to the government of the United States. This appears to corroborate in all essential particulars the evidence heretofore adduced from other quarters. I append the copy of a paper, marked A, showing the extent to which her Majesty's subjects, many of them alleged to belong to the naval reserve, have been enlisted in a single example of illegal enterprise.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Deposition of Clarence R. Yonge.

I, Clarence Randolph Yonge, citizen of the State of Georgia, in the United States, late paymaster on board the steamer Alabama, formerly called the 290, and also called the Eureka, and was built by Messrs. Laird, of Birkenhead, in England, make oath and say as follows:

I came to England in the steamer Annie Childs, which sailed from Wilmington, in North Carolina, early in February, one thousand eight hundred and sixty-two, and landed in England on or about the eleventh of March, one thousand eight hundred and sixty two, and remained in Liverpool until the steamer Alabama went to sea. I came over for the express purpose of acting as paymaster to the Alabama. I engaged for that purpose with Captain James D. Bullock, at Savannah, Georgia. He had full authority from the confederate government in the matters about to be mentioned. Lieutenant North had been sent over to England by the confederate government to get iron-clad vessels built. Captain Bullock had been over previously, and had made the contract for building the Oreto and the Alabama, and was returning to England to assume the command of the latter ship. He was directed at the time to assist Lieutenant North with his advice and experience in building the iron-clads which Lieutenant North had been over here expressly to get built. I was in the naval paymaster's office, in Savannah, Georgia, under the confederate government. Captain Bullock wanted some one to accompany him, and I was recommended by the paymaster at Savannah to Captain Bullock. I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of Mr. S. R. Mallory, the secretary of the navy, a paymaster in the confederate navy, and assigned to the Alabama. I continued as paymaster in the navy of the Confederate States of America from the time of my appointment in Savannah, Georgia, up to the time of my leaving the Alabama at Port Royal, in January, 1863. The date of my appointment as paymaster in the confederate navy was the 21st day of December, 1861. Previous to this time I had attended to Captain Bullock's correspondence with the confederate government, and I therefore knew that these two vessels, afterwards called the Oreto and Alabama, were being built in England for the confederate government, and by the same means I knew that Captain Bullock, who is a commander in the confederate navy, was the acknowledged agent of the confederate government for the purpose of getting such ships built. There was some correspondence which I saw between Captain Bullock and Mr. S. R. Mallory, the secretary of the navy, relative to purchasing two English vessels which had been used as transports in the Crimean war, Captain Bullock advising against purchasing them, as being unfit for the service for which they were required. I wrote the letters from Captain Bullock (and which he signed) to the secretary advising against this purchase. There was correspondence between Mr. Mallory and Captain Bullock (which I saw and copied) to the effect that the money would be ready and lodged in England to pay for these vessels as it fell due. From what I know I am satisfied that the money was all duly paid as it fell due for these vessels. I saw a letter from Captain Bullock to Fraser, Trenholm & Co., (a firm in Liverpool, hereinafter again referred to,) thanking them. Captain Bullock kept copies of his correspondence, and they are deposited in one of the banks in Savannah. From the time of my coming to England until I sailed in the Alabama my principal business was in paying the officers of the confederate navy who were over here attached to the Alabama, and sent over for that pur-

pose. I used to pay them monthly, about the first of the month, at Fraser, Trenholm & Co.'s office in Liverpool, and I drew the money for that purpose from that firm. Commander James D. Bullock, John Low, lieutenant, Eugene Maffitt, midshipman, and E. M. Anderson, midshipman, came over to England in the same vessel with myself. Captain Bullock came over to England in the first instance to contract for building the two vessels—the Oreto, now called the Florida, and the Alabama. He came so to contract for and in behalf of the southern confederacy, with the understanding that he was to have command of one of the vessels. I have heard him say so; and I have learned this also from the correspondence between him and Mr. Mallory, secretary of the confederate navy, as before mentioned, which passed through my hands. At the commencement of my engagement with Captain Bullock I acted as his clerk. The contract for building the Alabama was made with Messrs. Laird, of Birkenhead, by Captain Bullock. I have seen it myself. I made a copy from the original. The copy was in the ship. It was signed by Captain Bullock on the one part, and Messrs. Laird on the other. I made the copy at the instance of Captain Bullock from the original, which he has. The ship cost, in United States money, about two hundred and fifty-five thousand dollars. This included provisions, &c., enough for a voyage to the East Indies, which Messrs. Laird were, by the contract, to provide. The payments were all made before the vessel sailed, to the best of my belief. Sinclair, Hamilton & Co., of London, had money. Fraser, Trenholm & Co., of Liverpool, had money. There was government money in both their hands over here, enough for the purpose of paying for them. I was over to see the Alabama before she was launched from Messrs. Lairds' yard, and was on board the vessel with Captain Bullock; and have met Captain Bullock and one of the Messrs. Laird at Fraser, Trenholm & Co.'s office. Captain Bullock superintended the building of the Alabama and Oreto, also, while he was here. Captain Matthew J. Butcher was the captain who took her to sea. He is an Englishman, and represented himself belonging to the royal naval reserve. At the time the Alabama was being built by Messrs. Laird, and when I saw them at different times at their yard in Birkenhead and at Fraser, Trenholm & Co.'s office, I have not the slightest doubt that they perfectly well knew that such steamer was being built for the southern confederacy, and that she was to be used in war against the government of the United States. When the vessel sailed from Liverpool she had her shot-racks fitted in the usual places; she had sockets in her decks, and pins fitted which held fast frames or carriages for the pivot guns and breaching bolts. These had been placed in by the builders of the vessel, Messrs. Laird & Co. She was also full of provisions and stores, enough for four months' cruise. When she sailed she had beds, bedding, cooking utensils, and mess utensils for one hundred men, and powder tanks fitted in. We sailed from Liverpool on the 29th day of July, 1862. This was some three or four days sooner than we expected to sail. The reason for our sailing at this time, before we contemplated, was on account of information which we had received that proceedings were being commenced to stop the vessel from sailing. Captain Bullock sent Lieutenant Low to me on Sunday evening, the 27th day of July, to say that I must be at Fraser, Trenholm & Co.'s office early next morning. The next morning I arrived at half past nine o'clock. Captain Butcher came in and told me the ship (which at that time was called the 290, also Eureka) would sail the next day, and he wanted me to go with him. In a few minutes Captain Bullock came in and told me he wanted me to be ready to go to sea at a minute's

notice; that they were going to send her right out. I placed my things on the vessel that evening. There were about seventy or eighty men in the vessel at this time, under Captain Butcher, who had been in command of the vessel for more than a month before she sailed. I went on the vessel on the morning of the 29th of July for the purpose of sailing. We started out of the river Mersey at about half past ten o'clock. Captain Butcher commanded. Mr. Low acted as first mate, George T. Fullam as second mate, and David Herbert Llewellyn as assistant surgeon. Captain Bullock, Lieutenants North and Sinclair, were on board; also the two Messrs. Laird, Mr. A. E. Byrne, and five or six ladies, (including two Miss Lairds,) and some other gentlemen whom I do not know. When we sailed it was not our intention to return, but it was with the intention of going to sea, and so understood by us all. The ladies and passengers were taken on board as a blind. After we got on board, one of the Messrs. Laird who built the vessel came to me and gave me three hundred and twelve pounds in English gold. Captain Bullock came and asked me if Mr. Laird had given me the money; that he had some to give me, which I must put in the safe. I told him I had not received it, and went to Mr. Laird and got it. Laird counted it out for me, and I gave him a receipt for the amount. Mr. Laird gave me a number of bills and receipts at the same time for things he had been purchasing for the vessel—beds, blankets, tinware, knives, forks, for the ship; all of which he (Mr. Laird) had purchased from various parties on account of the ship. My understanding was that the money given me was the balance of the money left after making these purchases. The bills and receipts which Mr. Laird gave me on this occasion, on account of the purchases he had made, were left on the ship, and were handed over by me to Francis L. Galt, who has succeeded me as paymaster on the ship. There was a tug-boat in attendance when we left Liverpool on the 29th of July, in which the ladies and all the passengers left. We ran down immediately for Moelfra Bay, and lay there all that night, all the next day and next night, until three o'clock on Friday morning. I copied a letter of instructions from Captain Bullock to Captain Butcher, in which Captain Butcher was directed to proceed to Porto Praya, in Terceira, one of the Azores, where it was intended that we should go to receive the armament. I knew, and all the officers knew, before we went on board, that this vessel had been built for the purpose, and was to go out with the intention, of cruising and making war against the government and people of the United States. This, as I verily believe, was well known by the Messrs. Laird who built her and helped to fit her out, and by Fraser, Trenholm & Co., and by A. E. Byrne, of Liverpool, who also assisted in fitting her out, and by Captain Butcher and the other officers who sailed in her. The next day after we left the tug-boat Hercules came to us from Liverpool, about three o'clock. She brought to us Captain Bullock and S. G. Porter, (who for a time superintended the fitting the vessel,) and some two or three men. The men signed articles that night. They had signed articles before at various times while in Liverpool, but they all came up again and renewed the articles. The advance notes had been given them in Liverpool by Captain Butcher, and made payable at Cunard, Wilson & Co.'s. The original articles are now in Fraser, Trenholm & Co.'s office, but in possession of Captain Bullock, who transacts all his business and keeps all his papers at Fraser, Trenholm & Co.'s. I do not know the name of the man who acted as the shipping-master at Liverpool. Captain Bullock wrote a letter of instructions to me before we left Liverpool, directing me to circulate freely among the men and induce them to go on the vessel after we got to Terceira. I accordingly did

circulate among the men on our way out, and persuaded them to join the vessel after we should get to Terceira. Low did the same. We sailed from Moelfra Bay at three o'clock on Friday morning. We went out through the Irish Channel. Captain Bullock left us at the Giant's Causeway. We were some ten or eleven days going out to Terceira. Were in quarantine for three days at Porto Praya. There was no transfer of the vessel or anything of the kind there. The bark Agrippina, from London, arrived there with a part of the armament, all the ammunition, all the clothing, and coals. She was commanded by Alexander McQueen. The first day after the arrival of the bark she was getting ready for discharging. This bark is owned by the confederate government, but is nominally held by Sinclair, Hamilton & Co., of London, and sails under the British flag. This firm are connected with the confederate government. Early the following day the bark Agrippina hauled alongside, and we commenced to take the guns on board. Two or three days after this the Bahama arrived with the officers. This steamer was in command of Captain Tessier. She also sailed under the British flag. The Bahama came in, and Captain Butcher went on board and received orders to sail to Angra. The Bahama took the bark in tow, and we all went round to Angra. After we got there we were ordered away by the authorities. There was also some correspondence took place between Captain Butcher and the British consul at that place, but I never heard what it was. We went out, and continued discharging and taking in all that day, and at night we and the bark run into the bay, the Bahama keeping outside. By this time we had got all the guns, ammunition, and cargo from the steamer and bark. During all this time the three vessels were sailing under the British flag. We finished coaling on Sunday, the 24th day of August, at about one o'clock. We received from the bark Agrippina four broadside guns, each 32-pounders, and two pivot guns—one 68-pounder solid-shot gun, and one 100-pounder rifled gun—one hundred barrels of gunpowder, a number of Enfield rifles, two cases of pistols, and cartridges for the same. All the clothing for the men was also received from the Agrippina, and the fuses, primers, signals, rockets, shot, shell, and other munitions of war needed by the ship; also a quantity of coal. We received from the Bahama two 32-pounder broadside guns, a bale of blue flannel for sailors' wear, and a fire-proof chest with fifty thousand dollars in English sovereigns and fifty thousand dollars in bank bills. Captain Butcher, or Mr. Low, the first mate, told me that Mr. M. G. Klingender had been directed to purchase in Liverpool, where Mr. Klingender resides and does business as a merchant, such supplies of tobacco and liquor as were required for the ship's use. I made out the advance notes for the men at Liverpool, on the 28th of July, 1862, while she was lying in the Birkenhead docks, which advance notes were made payable by Cunard, Wilson & Co., at Liverpool. The half-pay notes which I made out in Moelfra Bay on board the No. 290, were made payable at Liverpool by the aforesaid M. G. Klingender. After we arrived at Angra, and had armed the ship, and were leaving that port to enter upon the cruise, we were still under the British flag. Captain Semmes then had all the men called aft on the quarter-deck. The British flag was hauled down and the confederate one raised. He then and there made a speech, read his commission to them as a commander in the confederate navy, told them the objects of the vessel, and what she was about to do; mentioned to them what their proportion of prize money would be out of each one hundred thousand dollars' worth of property captured and destroyed; said he had on board one hundred thousand dollars, and asked them to go with him, at

the same time appealing to them as British sailors to aid him in defending the side of the weak. I had two sets of articles prepared—one for men shipping for a limited time, the other for those willing to go during the war. The articles were then re-signed while the vessel was in Portuguese waters, but under the confederate flag. This was on Sunday, the 24th August, 1862. At the same time Captain Semmes announced that the ship would be called the Confederate States vessel Alabama. The guns which were brought out to the No. 290 in the Agrippina and the Bahama were made and furnished by Fawcett, Preston & Co., of Liverpool. The ammunition and entire armament of the vessel, as well as all the outfit, were purchased in England. The list hereunto annexed, marked A, contains a list of the names of all the officers on the Alabama when I left, except myself, and of all the men whom I can now remember. My belief is that we had eighty-four shipped men inclusive of the firemen and coal-trimmers, when we left Angra. All the men but three signed the articles for the period of the war. New half-pay notes were then drawn in favor of, and given to, the men. The half-pay notes entitled their families or friends to draw half of their pay on the first of every month. They were all payable by Fraser, Trenholm & Co., with whom the money for the purpose of meeting them was lodged. The first set of notes (payable at Cunard, Wilson & Co.'s) were in the form of the British marine service. The second set (payable at Fraser, Trenholm & Co.'s) were in the form used by the United States and confederate navy. Several of the men refused to sign, and returned in the Bahama to Liverpool. Captain Butcher and Captain Bullock also returned in the Bahama. We then entered upon our cruise. Out of the eighty-four men I believe there were not more than ten or twelve Americans. There was one Spaniard, and all the rest were Englishmen. More than one-half of the Englishmen belonged to the royal naval reserve, as they informed me, and as was generally understood by all on board. Four, at least, of the officers were English—that is to say, John Low, fourth lieutenant; David Herbert Llewellyn, assistant surgeon; George T. Fullam, master's mate; and Henry Allcott, the sail-maker. I never remember at any time seeing any custom-house officer aboard this vessel. I remained aboard the vessel as paymaster from the time I joined her, as before stated, until the 25th day of January, 1863, at which time she was lying at Port Royal, Jamaica. During the whole time that I was on board her she was cruising and making war against the government and people of the United States. I cannot recollect the names of all the vessels which she captured, but I know that the number which we captured and destroyed up to the time I left her was at least twenty-three, and, as I believe, was more, Of these twenty-three, four were released upon giving ransom bonds, payable to the confederate government. Such four were the ship Emily Farnham, of New York, bound to Liverpool; the Tonawanda, of Philadelphia, bound for Liverpool; the brig Baron de Castine, bound for the West Indies; and the mail steamship Ariel, on the California line. All the rest were burned or destroyed. The first port we went into after leaving the Western Islands was Port Royal, Martinique, where we went to provision and coal. The bark Agrippina was lying with coals for us, being the same vessel as took out the armament. We did not provision or coal there, but we went out and afterwards met the Agrippina at the Island of Blanco, belonging to Venezuela. We only took in coal there. We then proceeded to the Arcas Keys, near Yucatan Banks, where we lay about ten days; where we painted the ship and re-coaled from the Agrippina, and gave the men a run on shore. We then steered for Galveston, where we

destroyed the United States gunboat Hatteras, which was the last vessel we destroyed before I left her. As soon as we got the prisoners from the Hatteras on board we started straight for Jamaica, (Port Royal.) There we provisioned, coaled, and repaired ship. All the twenty-three ships which we had burned or destroyed had been so burned or destroyed in the interval between our leaving the Western Islands and steering for Port Royal. I heard of no objection from the authorities in Jamaica to our repairing, coaling, or provisioning the ship in Port Royal; but, on the contrary, we were received with all courtesy and kindness. We were there about a week. Whilst we were there the English admiral at Port Royal paid a visit to Captain Semmes, on board the Alabama. I was on shore on duty at the time of the visit, but I heard of such visit immediately upon my return to the ship, for it was the subject of much conversation and remark amongst the officers; and, in particular, I remember Mr. Sinclair, the master, speaking of it. I also know that Captain Semmes paid a return visit to the English admiral on the day that the Alabama left Port Royal. I myself saw him start for the purpose. My connection with the ship terminated at Port Royal, and I subsequently came to England, where I arrived on 22d March, 1863.

CLARENCE R. YONGE.

Sworn at the judge's chambers, Rolls Gardens, Chancery Lane, this 2d day of April, 1863, before me,

JOHN PAYNE,
Acting Commissioner, &c.

A.

Officers and crew of the steamer Alabama.

Raphael Semmes, commander.
J. M. Kell, first lieutenant.
Richard F. Armstrong, second lieutenant.
Joseph Wilson, third lieutenant.
John Low, fourth lieutenant, Englishman. Sisters living in Liverpool. Made his allotments payable to brother-in-law, Charles Green, jr. Fraser, Trenholm & Co. pay the men all the allotments; that is, the half monthly pay. Every month they draw this allotment.
Arthur Sinclair, master; that is, sailing master.
Francis L. Galt, surgeon, from Virginia; now acting as paymaster.
Miles J. Freeman, first assistant engineer, ranks as chief; born in Wales. Does not know whether naturalized.
David Herbert Llewellyn, assistant surgeon, Englishman.
B. K. Howell, brother-in-law of Jeff. Davis, lieutenant of marines. No marines on board.
William U. Sinclair, midshipman.
Irvine S. Bullock, midshipman; Captain Bullock's brother.
Eugene Maffit, midshipman; Captain Maffit's son.
Edward Maffit Anderson, midshipman; son of Colonel Anderson.
William P. Brooks, second assistant engineer.
S. W. Cummings, third assistant engineer.
Matthew O'Brien, third assistant engineer.
John M. Pundt, third assistant engineer.
George T. Fullam, first master's mate, Englishman. Father teaches navigation school in Hull.

James Evans, second master's mate, Charleston pilot.
William B. Smith, captain's clerk.
Benjamin L. McClaskey, boatswain.
T. C. Cuddy, gunner.
William Robinson, carpenter.
Henry Allcott, sailmaker, Englishman.

Petty officers and seamen.

James King, master-at-arms, Savannah pilot.
Adolphus Marmelstein, signal quartermaster, Savannah pilot.
William A. King, quartermaster, Savannah pilot.
James G. Dent, quartermaster, Savannah pilot.
William Forestall, quartermaster.
Ralph Masters, quarter gunner.
William Crawford, quarter gunner; royal naval reserve of England.
George Addison, armorer.
William Rinton, carpenter's mate, Englishman.
Edward Rawes, ship's carpenter, Englishman.
George Harwood, chief boatswain's mate; English reserve. English government pay him a pension. Time up February 24, 1863, (as he states.)
Michael Genshled, fireman. Has a pension in England, (has been discharged November 25, 1862;) Irishman.
Brent Johnson, second boatswain's mate; English reserve.
William Purdy, sailmaker's mate, Englishman.
John Latham, fireman, Englishman.
David Roach, fireman, Englishman.
Thomas Murphy, fireman, Englishman.
John McAlee, ordinary seaman, Englishman.
Thomas Welch, ordinary seaman, Englishman.
James Smith, captain forecastle, Englishman.
Edward Fitz-Morris, ordinary seaman, Englishman.
George Edgarton, fireman, Englishman; lives at Liverpool.
James McFaden, fireman, Englishman; time up February 24, 1863.
William Robinson, able seaman, Englishman.
Martin Malk, able seaman, Englishman.
George Yoman, ordinary seaman, Englishman.
William McGinley, able seaman, Englishman.
George Freemantle, able seaman, Englishman.
Frederick Johns, purser's steward, Englishman; father lives at Ostend.
John Grady, boy, Englishman; uncle lives at 36 Regent street, Liverpool; bootmaker,
Thomas Wier, gunner's mate, Englishman.
James Brosner, able seaman, Englishman.
Edgar Tripp, seaman, Englishman.
John Neil, seaman, Englishman.
Joseph Neil, seaman, Englishman.
Samuel Henry, seaman, Englishman.
John Roberts, seaman, Englishman.
John Duggan, seaman, Englishman.
Martin King, seaman, Englishman.
F. Williams, seaman, Englishman.
R. Williams, seaman, Englishman.
Joseph Pearson, seaman, Englishman.

Joseph Connor, seaman, Englishman.
Thomas McMillan, seaman, Englishman.
Michael Mars, seaman, Englishman.
Robert Egan, boy, Englishman.
Malcolm McFarlan, seaman, Englishman.
Peter Henry, seaman, Englishman.
Charles Godwin, seaman, American.
James Higgs, captain of hold, Englishman.
Peter Duncan, fireman, Englishman.
Richard Parkinson, ward-room steward, Englishman.
George Appleby, yeoman, Englishman.
John Emory, seaman, Englishman.
William Hearn, seaman, Englishman.
Thomas L. Parker, boy, Englishman.
A. G. Bartelli, captain's steward, American.
Peter Hughes, seaman, American.
Henry Fisher, seaman, Englishman; belonging to reserve.
Frank Townsend, seaman, Englishman.
Frank Cunen, fireman, Irishman.
William Levins, coal-trimmer.

There are now several men on board of the Alabama who have joined the ship since we entered upon the cruise, some of whom are Americans.

CLARENCE R. YONGE.

This is the list marked A, referred to in the affidavit of Clarence Randolph Yonge, sworn this second day of April, 1863, before me.

JOHN PAYNE,
Acting Commissioner, &c.

[Of sixty-two officers and seamen, fifty appear to have been Englishmen.]

Earl Russell to Mr. Adams.

[Extract.]

FOREIGN OFFICE, *April* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, inclosing a deposition made by a person named Yonge, respecting the Alabama and her proceedings.

* * * * * *

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 554.] DEPARTMENT OF STATE,
Washington, April 20, 1863.

SIR: Your dispatch of April 3 (No. 364) has been received, together with a copy of a deposition made by Clarence R. Yonge, late a pre-

tended paymaster in the insurgent marine service. The proceedings you have taken in regard to that person, as well as the uses you have made of the information received from him, are approved. I have laid the papers before the Secretary of the Navy, with a view to his being prepared for a meeting with Mr. Yonge when he shall present himself at this place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 397.] LEGATION OF THE UNITED STATES,
London, April 30, 1863.

SIR: In obedience to the instructions contained in your dispatch No. 542, of the 12th of April, I have transmitted a note to Lord Russell, together with a copy of the memorial of the Panama Railroad Company. A copy of that note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 29, 1863.

MY LORD: I am directed by the government of the United States to submit to your consideration a copy of a memorial addressed to the President by the directing authorities of the Panama Railroad Company. I am further instructed to say that this case is regarded as coming within the category described in my note to your lordship of the 20th November last, touching the depredations committed by gunboat 290, now known as the Alabama, but attended by some peculiar circumstances fully set forth in the memorial itself.

Renewing, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

The president and secretary of the Panama Railroad Company to the President of the United States.

OFFICE OF THE PANAMA RAILROAD COMPANY,
New York, March 14, 1863.

SIR: The undersigned, president and secretary of the Panama Railroad Company, beg leave to make the following statements:

1. That the American bark Golden Rule, of the registered tonnage of $254\frac{70}{95}$ tons, hereinafter mentioned, was the property of the said Panama Railroad Company and others.

2. That the said bark, while on her voyage from the port of New York to the port of Aspinwall or Colon, in New Granada, was captured on the 26th day of January last by the steamer Alabama, of the so-called

Confederate States of America, in about 75 degrees west longitude, and 18 degrees north latitude, and after the removal of a portion of her cargo to the Alabama, was totally destroyed by burning, together with the residue of her cargo remaining on board.

3. That the value of the bark Golden Rule, with her freight, was $16,000, and that of the cargo she had on board the Panama Railroad Company was owner to the amount of $1,406.

4. That the aforesaid steamer Alabama was built in England, and sailed from a British port after notice had been given her Majesty's government that she was intended to be employed in the service of the so-called Confederate States of America, as a vessel of war, to operate against the commerce of the United States.

5. That the destruction of the bark Golden Rule by the steamer Alabama took place within twenty-four hours after the departure of the Alabama from Port Royal, in the island of Jamaica, a colonial port of Great Britain, where she had been permitted to remain during the whole of the preceding five days for the purpose of repairing, refitting, coaling, and provisioning.

6. That the cargo on board the Golden Rule was owned to a great extent by neutral parties of various nationalities, among whom are British subjects, and that the citizens of Great Britain are largely interested in the Panama Railroad Company, both as owners of the sterling bonds and of the shares of the company.

In view of the foregoing facts, the undersigned consider the government of Great Britain to be justly bound to make good to the Panama Railroad Company and others the loss sustained by the destruction of the bark Golden Rule, and of the cargo on board belonging to said company, say to the aggregate amount of $17,406, and they respectfully request your excellency to take such measures to obtain redress as in your judgment may seem best.

DAVID HOADLEY, *President.*
JOS. F. JOY, *Secretary.*

Memorial.

NEW YORK, *March* 14, 1863.

The undersigned, citizens of the United States, being duly sworn, depose and say:

That they were master and first officer of the American bark Golden Rule, belonging to the Panama Railroad Company and others, on her late voyage from the port of New York to Aspinwall, or Colon, in New Granada; that on the 26th day of January last, while becalmed near the longitude of 75 degrees west, and latitude 18 degrees north, the said bark was captured by the steamer Alabama, of the so-called Confederate States of America, commanded by Captain Semmes; that on going on board the Alabama, the commander was informed that the cargo of the Golden Rule was owned in part by neutral parties, probably to the extent of one-fourth or one-third; that after the removal of a portion of the cargo to the Alabama, the bark was set on fire by order of the commander of the Alabama, and totally destroyed, together with the cargo remaining on board.

P. H. WHITEBURN,
Master Golden Rule.
JOHN CASSIDY,
Officer Golden Rule.

STATE OF NEW YORK,
City and County of New York, ss:

Be it known that on the 14th day of March, A. D. 1863, before me, Frederick Bull, a notary public in and for the State of New York, duly commissioned and sworn, dwelling in the city of New York, personally came David Hoadley, president, and Joseph F. Joy, secretary of the Panama Railroad Company, and P. H. Whiteburn, master, and John Cassidy, first officer, of the American bark Golden Rule, to me known, who being severally sworn, did each for himself depose and say, that the foregoing statements by them respectively subscribed are correct and true, to the best of their knowledge and belief.

In witness whereof, I have hereunto set my hand, and affixed my notarial seal, the day and year last before written.

FREDERICK BULL,
Notary Public, 58 Wall street.

Mr. Adams to Mr. Seward.

No. 407.] LEGATION OF THE UNITED STATES,
London, May 7, 1863.

SIR: Lord Russell has acknowledged the reception of my note of the 29th ultimo, respecting the destruction, by the rebel gunboat No. 290, of the Golden Rule, in a note, a copy of which is sent herewith. This is the proper sequel to my dispatch No. 397, of the 30th of April, relating to that subject.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April 30, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, inclosing a memorial addressed to the President of the United States by the directing authorities of the Panama Railroad Company, respecting the destruction, by the Alabama, of the American bark Golden Rule.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 630.] DEPARTMENT OF STATE,
Washington, June 18, 1863.

SIR: I transmit with this dispatch a copy of a letter of the 4th instant from Edward Mott Robinson, H. L. Howard, executrix of J. B. Howard's estate, and John A. McGaw, and of the extended protest

which accompanied it, relative to their claim on the British government on account of the destruction of the ship Golden Eagle by the armed insurgent steamer Alabama.

As one of the claims of citizens of the United States, growing out of the lawless depredations upon American commerce by insurgent vessels sent out from British ports, I have to request you to bring it under the consideration of her Majesty's government in such manner as may seem to you most appropriate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For inclosures see dispatch of Mr. Adams to Mr. Seward, No. 454, July 16, 1863, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 454.] LEGATION OF THE UNITED STATES,
London, July 16, 1863.

SIR: In obedience to the directions contained in your dispatch (No. 630) of the 18th of June, I addressed a note to Lord Russell in respect to the claim made in the case of the Golden Eagle, destroyed by the Alabama.

* * * * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

[Extract.]

LEGATION OF THE UNITED STATES,
London, July 7, 1863.

MY LORD: As constituting one of the claims of citizens of the United States growing out of the lawless depredations upon American commerce by vessels fitted out and sent from the ports of Great Britain, I am directed to transmit to your lordship copies of the papers herewith submitted, marked A.

* * * * * *

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, Esq., *&c.*, *&c.*, *&c.*

A.

Messrs. Robinson, Howard, and McGaw to Mr. Seward.

NEW YORK, *June* 4, 1863.

SIR: The undersigned, owners of the ship Golden Eagle, and her freight, beg to state that on the 21st February last that vessel was cap-

tured and burned by the steamer Alabama, a vessel built in an English port, the particulars of which are fully set forth in the notarial copy of the protest of her master herewith, and to which we beg your attention.

The value of the vessel was	$36,000
Freight 3,600*l.* sterling, at 67½ per cent	26,000
Our loss	62,000

Believing we have a good and valid claim against the English government for this loss, we have to ask your kind offices in the premises; and would feel obliged if you will take such steps as will best protect our interests, and we remain, &c.,

EDWIN H. ROBINSON.
H. L. HOWARD,
Executrix of B. Howard's estate.
JOHN H. McGAW.

Protest.

Consulate of the United States of America, London:

To all whom it may concern, be it known and made manifest, that on this 24th day of March, in the year of our Lord 1863, before me, Freeman H. Morse, consul of the United States of America for London and the dependencies thereof, personally appeared Edward A. Swift, master and commander of the ship Golden Eagle, of New Bedford, United States aforesaid, of the burden of 1,120$\frac{90}{5}$ tons, or thereabouts. And the said Edward A. Swift having before, on the 20th day of March, within twenty-four hours after his arrival, declared to protest before me, John Britton, United States consul at Southampton, now comes, being desirous to extend the same before me, and with him come Carl Brown, second officer; John Smith, carpenter; John Smith, A. Gates, Thomas Parker, E. Huboard, W. Gibson, M. Gilford, A. Silvé, J. Francis, John Leons, T. Whiskey, Merritt D. Bradley, W. L. Cartons, H. Dodson, and George Burrill, seamen, being duly sworn on the Holy Evangelists of Almighty God, before me the said consul, did declare and set forth as follows, that is to say: that they the said appearers and the said ship's company sailed in and with the said ship from the port of Howland's Island on the 23d of November now last past, with a cargo of guano, bound to the port of Cork for orders, the said ship being tight, staunch, and strong, and in all respects in good order, and well fitted for the said voyage.

That nothing material occurred until the 21st February, on which day, at 10 a. m., being then in latitude 29° 17′ north, and longitude 45° 15′ west, on the starboard tack, by the wind, saw a sail on the port bow standing towards us. At 11 a. m. spoke the bark Olive Jane, of Boston, for New York. At 11.30 a. m. made the sail on the port bow to be a gunboat and a steamer by her smoke-pipe, distance about six miles, (which proved to be the pirate steamer Alabama.) Soon after she fired two blank shots, having the confederate flag at her peak, and tacking ship as ourselves, the wind being very light at the time, and the ship going about four miles per hour, the steamer soon took in sail and steamed down upon us, firing a shot which fell short of the ship. About 1.15 p. m. the steamer fired again, the shot passing close ahead of the ship. At 1.30 p. m., finding they were preparing to fire again, appearers brought the ship to. An armed boat's crew boarded and took possession. At 6 p. m., the Alabama

having chased another vessel (the bark Olive Jane) and set fire to her, returned to the ship. Appearer Swift was ordered on board with the ship's papers. Captain Semmes giving orders to the first lieutenant to plunder and burn the ship, they taking all the ship's papers, chronometer, two sextants, spy glasses, charts, books, log-book, and all appearer Swift's private property, with the exception of a small quantity of clothes, and allowing the appearers, the officers and crew, a small bag of clothes each, and upon arrival on the Alabama, they were placed in irons on deck all the time, with the exception of said appearer Swift, who was taken below and searched, and the little money, about $157, taken away from him, he being allowed to mess and sleep in the steerage with the petty officers. At 5 p. m. the Golden Eagle was set fire to, and at 8 a. m. on the 22d went down, the steamer remaining by the burning ship all night. On the 27th the Alabama gave chase to the ship Washington, bound from Callao to Antwerp, and after boarding her, and finding her cargo owned by foreigners, took bonds for her, and put appearers and other persons upon her. Appearers remained six days on the Alabama.

On the 18th March the Washington spoke Cowes pilot-boat No. 3, off the Isle of Wight, south-southwest, and placed appearers and other sufferers on board, and they made for Cowes, where they arrived and were put on shore.

Now, therefore, be it known that they, the said appearers, have protested, and by these presents do protest, against the said pirate No. 290, *alias* the Alabama, commanded by Captain Semmes, her officers and crew, as the sole cause of all losses, costs, and damages that the said ship Golden Eagle or her cargo have suffered, or may suffer by reason thereof.

EDWARD A. SWIFT, *Master.*
CARL BROWN, *Second Officer.*
JOHN SMITH, *Carpenter.*
THOM. SMITH.
ANDREW GATES.
THOS. P. PARKER.
ELISHA HUBBARD.
WILLIAM GIBSON.
MATTHEW GILFORD.
ANTONIO SILVÉ.
HENRY DODSON.
JOHN FRANCIS.
JOHN LEON.
THOM. WHISKEY.
JOHN WILLIAMS.
CHARLEY BROWNE.
CRUZ CALLOHA.
JAMES BADGER.
ISAAC DEMERRITT.
DAVID BRADLEY.
WM. L. CURTIONS.
GEORGE BURRILL.

In testimony of all which I, the said consul, have hereunto set my hand and affixed my seal of office in London, the day and year first herein mentioned, and in the eighty-seventh year of the independence of the said United States.

F. H. MORSE.

CONSULATE OF THE UNITED STATES OF AMERICA, *London:*

I, Freeman H. Morse, consul to the United States of America for London and the dependencies thereof, do hereby certify to all to whom it may concern, that the foregoing is a true and faithful copy of a certain instrument of protest of the ship Golden Eagle, of New Bedford, made and extended before me on the 24th day of March, and taken from the registry of the office of this consulate, in book marked "Record Book of Protest No. 5," at folio 17.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at London, this 24th day of March, in the year of our Lord 1863, and in the eighty-seventh year of the independence of the said United States.

F. H. MORSE.

CITY AND COUNTY OF NEW YORK, *ss:*

I, Andrew Foster Higgins, a notary public in and for the said city and county, duly commissioned and sworn, do hereby certify the foregoing to be a true and exact copy of a certified copy of protest exhibited to me.

In testimony whereof I hereunto set my hand and seal of office this 2d day of June, A. D. 1863.

A. F. HIGGINS,
Notary Public.

Earl Russell to Mr. Adams.

[Extracts.]

FOREIGN OFFICE, *July* 13, 1863.

SIR: I have to acknowledge the receipt of your letter of the 7th instant, inclosing papers relative to the destruction of the American ship Golden Eagle by the Alabama. * * * So far as it may be intended, by the communication of the inclosed papers, to assert or record a claim against her Majesty's government on account of the destruction of those vessels, I would beg leave to refer you to my letter of the 9th of March last, and to repeat that her Majesty's government entirely disclaim all responsibility for the acts of vessels of war of the so-styled confederate government.

* * * * * * *

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 673.] DEPARTMENT OF STATE,
Washington, August 7, 1863.

SIR: Accompanying this instruction is a copy of a communication of the 14th ultimo, addressed to me by Messrs. George B. Upton and George B. Upton, jr., sole owners of the American ship Nora. It is represented in their memorial that the Nora was burned by the piratical vessel known as the Alabama, while on a voyage from Liverpool to Calcutta, with a cargo which it was represented to them belonged to British subjects.

Referring to previous instructions in regard to depredations of the same class, I have now to add this to the number, and, so far as the rights and interests of American citizens are involved in it, I bespeak your good offices in bringing it before her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For inclosures see dispatch of Mr. Adams to Mr. Seward, No. 484, dated August 28, 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 484.] LEGATION OF THE UNITED STATES,
London, August 28, 1863.

SIR: In accordance with the request contained in your dispatch No. 673, of the 7th instant, I have transmitted the papers of Mr. Upton, making the claim for the loss of the ship Nora, to Earl Russell, with a note, a copy of which is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 24, 1863.

MY LORD: I am directed by my government to lay before your lordship copies of a letter and memorial addressed to the Secretary of State of the United States by Messrs. Upton, claiming indemnity for the destruction of the ship Nora, burnt at sea by a vessel fitted out and dispatched from the port of Liverpool. I am instructed to request that the substance of this claim may be considered as added to others of the same kind which it has been my painful duty to present to your lordship heretofore.

I pray your lordship to accept, &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Messrs. Upton to Mr. Seward.

BOSTON, *July* 14, 1863.

SIR: We respectfully inclose a memorial and protest in the case of the ship Nora, burnt at sea by the vessel calling herself the Alabama.

The general facts are stated in the body of the memorial, and we therefore refrain from a repetition in this communication.

In most repectfully asking the attention of the government to this matter, we remain, &c.,

GEO. B. UPTON.
GEO. B. UPTON, JR.

Protest.

To the Honorable WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.:

The memorial of George B. Upton and George B. Upton, junior, citizens of the United States, residing in Boston, in the State of Massachusetts, sole owners of the American ship Nora, respectfully represents:

That said ship, being a legally registered American ship, left the port

of Bangor, in the United States, for the port of Liverpool, in Great Britain, on the 29th day of November, 1862. That said ship arrived in safety at said port of Liverpool, where, after being discharged, she was laden with a cargo upon the charter of Mr. W. N. de Mattos, from said port of Liverpool to Calcutta, the undersigned having no other personal interest in said cargo than the usual lien for the freight thereof; the cargo being, as represented to them, the property of British subjects. Said ship sailed from the port of Liverpool on or about the 15th day of February of the present year, and had proceeded on her voyage as far as latitude 1° 23′ north, longitude 26° 30′ west, when she was boarded by, and declared to be a prize to, a vessel calling herself "the Confederate States man-of-war Alabama," who immediately took possession of said ship, against the remonstrance of the master, and who further proceeded to remove sundry stores from said ship; and on the 27th day of March the said ship was set on fire by the order of one Semmes, calling himself the captain of said steamer, and was totally destroyed; and said officers and crew were taken from said ship Nora, and kept on board said piratical steamer Alabama, from the date of the destruction of said ship until the 16th day of April last past.

And now we, the said George B. Upton and George B. Upton, junior, sole owners of said ship, do enter our solemn protest against the destruction thereof, and do by these presents demand of the government of Great Britain full reparation for the same, in the sum of 80,000 dollars of the coin of the United States, being the value of said ship and freight at the time of her destruction.

Your memorialists would further represent that they make and predicate this protest and demand upon the facts hereinafter stated, which can be verified whenever it shall be found necessary to do so. Said vessel calling herself "the Confederate States man-of-war Alabama" is an English vessel, and no other. She was built at the port of Birkenhead, and was allowed to leave British waters, although information as to her character, and the intention to use her as a privateer to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British government. That said steamer Alabama (then called the "290,") was allowed to leave said waters upon giving a bond to return, which it was well known was intended to be forfeited. That she did not leave the waters of Great Britain the latter part of July, 1862, under the protection of the British flag, and manned by British subjects. That had the American man-of-war Tuscarora, or any other leagally authorized man-of-war of the United States, seized her after leaving said British waters, she would have claimed her British ownership and her flag as her protection. But said steamer was allowed to leave port under the pretense of making a trial trip, and has never been in any port of the so-called Confederate States, so as to change her flag, or to be otherwise than a British vessel.

Your memorialists would further represent that said steamer, after thus fraudulently leaving the ports of Great Britain against the Queen's proclamation of neutrality, repeatedly visited or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known and patent to the world that she had destroyed American vessels on the high seas; and instead of being seized and detained by the British government, as they were in duty bound to do, was allowed every facility for obtaining supplies and advice, and to resume her piratical cruise. That no examination was ever made by said British government, through their constituted agents and officers, as to

the manning of said steamer by British subjects, or of the prostitution of the British flag by thus giving protection to the piracies committed under its folds; and that she was, and has continued to be, until after the capture of your memoralists' ship Nora, principally manned by British subjects.

In view of these matters, and of others which may be made to appear, your memorialists do now and forever enter their solemn protests against the British government and people, as willing parties, negligently culpable, in the destruction of their property on the high seas, and thus in first violating the proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations.

And they ask, through the government of the United States, that a proper representation may be made of their loss, that in the end due reparation may be made to them by the said government of Great Britain, or that the government of the United States may assume the same as one of the governmental obligations to protect the rights of their citizens, thus wantonly violated.

And as in duty bound will ever pray.

GEO. B. UPTON.
GEO. B. UPTON, JR.

BOSTON, *July* 14, 1863.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Be it known to all whom it doth or may concern, that on this 14th day of July, in the year of our Lord 1863, before me, John S. Tyler, a notary public and justice of the peace, under the great seal of the Commonwealth, duly commissioned and sworn, at my office in the city of Boston, personally came George B. Upton and George B. Upton, junior, resident merchants of this city, to me well known, and made before me the foregoing memorial and protest, declaring the same to be just and true. Wherefore, at the request of the said appearers, I have caused the same to be verified by the oaths of said appearers, and to be entered on my notarial record to serve as occasion may require.

In testimony whereof I hereto affix my official seal the day of the date above written.

JOHN S. TYLER,
Notary Public and Justice of the Peace.

[From British Blue Book, "North America," No. 1, 1864, p. 18.]

No. 12.

Mr. Layard to Mr. Laird, M. P.

FOREIGN OFFICE, *August* 31, 1863.

SIR: In a note which Lord Russell has lately received from Mr. Adams the Alabama is described as a vessel "fitted out and dispatched from the port of Liverpool," and his lordship directs me to say that he would feel much obliged to you if you could inform him how far it is true that the Alabama was fitted out as a vessel of war at Liverpool before she left that port.

I am, &c.

A. H. LAYARD.

[For reply of Mr. Laird to the above letter, see dispatch from Mr. Adams to Mr. Seward, No. 500, September 18, 1863, *post.*]

Mr. Seward to Mr. Adams.

No. 710.] DEPARTMENT OF STATE,
Washington, September 17, 1863.

SIR: I now add to the number of similar cases already intrusted to your charge that of the American bark Union Jack, destroyed by the piratical vessel of British origin and equipment, commonly designated the Alabama, and will thank you to take such steps in the matter as shall, in your judgment, tend to secure such redress as may be justly due to the aggrieved parties from her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For inclosures see dispatch from Mr. Adams to Mr. Seward, No. 527, dated October 30, 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 500.] LEGATION OF THE UNITED STATES,
London, September 18, 1863.

SIR: Lord Russell is becoming a little sensitive to the multiplication of the claims for damage done by the Alabama. A copy of his note to me of the 14th instant, in reply to mine of the 24th of August, on the case of the ship Nora, is now transmitted. I adjoin a copy of my answer. You will judge from it of the expediency of furnishing me with new instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 14, 1863.

SIR: In acknowledging the receipt of your letter of the 24th ultimo, in which you request that Messrs. Upton's claim on account of the destruction of their vessel, the Nora, by the Alabama, may be added to others of the same kind, which you have heretofore presented to me, I must, on the part of her Majesty's government, repeat the disclaimer which, on more than one occasion, I have already made to you of all responsibility in regard to the proceedings of the Alabama, or of any other confederate cruiser.

But, as it is stated in your letter that the Alabama was "fitted out and dispatched from the port of Liverpool," and as these words imply that you suppose she was fitted out as a vessel of war, I have thought it right to ask Mr. Laird how far that statement is borne out by the facts; and I have the honor to inclose, for your information, a copy of a letter which I have received from that gentleman in reply, stating that, from the information he had received, it appears that the Alabama was not fitted out at Liverpool as a vessel of war. When the United States gov-

ernment assume to hold the government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels of war in a foreign port, because such vessels were originally built in a British port, I have to observe that such pretensions are entirely at variance with the principles of international law and with the decisions of American courts of the highest authority; and I have only, in conclusion, to express my hope that you may not be instructed again to put forward claims which her Majesty's government cannot admit to be founded on any grounds of law or justice.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

[See Mr. Layard to Mr. Laird, printed as an extract from British Blue Book, and dated August 31, 1863, *ante.*]

Mr. John Laird to the British Foreign Office.

BIRKENHEAD, *September* 2, 1863.

SIR: In reply to your letter of the 31st of August, stating that Lord Russell will feel much obliged to me if I can inform him "how far it is true that the Alabama was fitted out as a vessel of war at Liverpool before she left that port," I request that you will inform his lordship that I am not able, from my own personal observation or knowledge, to reply to his lordship's inquiry, as I did not see the Alabama after the first week in July, 1862, being some weeks before she sailed.

In order to obtain for his lordship, from a reliable source, the information he has asked for, I have made inquiries from my successors in business, the firm of Laird Brothers, the builders of the vessel now called the Alabama, and I am authorized by them to state that the vessel referred to was delivered by them at the port of Liverpool, and that at the time of delivery she was not fitted out as a vessel of war.

They also confirm in every respect the report of Mr. Morgan, the surveyor of customs at Liverpool, dated 30th July, 1862, (ordered by the House of Commons to be printed 24th March, 1863,) in which he states that a strict watch had been kept upon the vessel, and that she left the port without any part of her armament on board.

I am, &c.,

JOHN LAIRD.

[For report of Mr. Morgan see inclosure to dispatch from Mr. Adams to Mr. Seward, No. 363, April 3, 1863, *ante.*]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 17, 1863.

MY LORD: I have had the honor to receive your note of the 14th instant, in reply to mine of the 24th ultimo, presenting the claim of Messrs. Upton on account of the destruction of the ship Nora, I shall transmit a copy of the same for the consideration of my government, with whom the withdrawal of instructions to me necessarily rests. In

the mean time I shall abstain from presenting the papers in another case which have come to hand until further advices.

I cannot but regret that your lordship should have adduced the evidence of Mr. Laird in support of any proposition made to my government. I trust I may be pardoned if I remind you that the statements made heretofore by that person in Parliament respecting their action are not such as are likely to lead to their implicit credence in any relating to his own.

I pray, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 727.] DEPARTMENT OF STATE,
Washington, September 30, 1863.

SIR: Referring you to previous instructions concerning such cases, I inclose a copy of a communication received at this department yesterday from Messrs. Joshua Atkins & Co., of New York, setting forth their claim, and that of George Hager, as the sole owners of the American ship Brilliant, against the government of Great Britain for indemnity for losses accruing to them by the destruction of that vessel by the notorious piratical vessel Alabama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For inclosure see dispatch from Mr. Adams to Mr. Seward, No. 527, October 30, 1863, *post.*]

Mr. Adams to Mr. Seward.

No. 505.] LEGATION OF THE UNITED STATES,
London, October 1, 1863.

SIR: I have the honor to transmit a copy of my note to Lord Russell of the 29th ultimo, based upon a letter received by me from Mr. Graham, the consul at Cape Town. Inasmuch as he does not positively state that he has forwarded the papers which he has incorporated into it to the department, I send a copy of his letter likewise. I regret that in his correspondence with the authorities he has hazarded one statement which cannot be substantiated—an error to which, I find, officers of that class are rather liable. Apart from this, however, the position he assumes appears to be sound. The case presented is, undoubtedly, of a very grave character. It would seem that Semmes has had the audacity to constitute himself a judge of admiralty, in a court held on his own deck, and there decree what ships are lawful prize. I have contented myself with a brief statement in a few words. Thus far no response from Lord Russell has been received at this legation. Should it appear to me not to be satisfactory, I think I shall await your instructions before making a reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 29, 1863.

MY LORD: I have the honor to transmit the copy of a letter received by me from Mr. Walter Graham, consul of the United States at Cape Town, in relation to certain occurrences at that place, connected with the armed vessel called the Alabama. Without intending to sustain all the allegations therein contained, I cannot but consider that a sufficient basis of fact exists to support his remonstrance against the recognition of the capture of vessels, which appears to have been, at least, partially made by the authorities at Cape Town. In the absence of special instructions on the subject, I take the liberty simply to present the papers to your lordship's consideration, not doubting the disposition of her Majesty's government to do full justice in the premises.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Graham to Mr. Adams.

[Extract.]

[Cape Town Correspondence.]

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, August 17, 1863.

SIR: The confederate steamer Alabama arrived on this coast on the 27th day of July, having captured six American vessels from the time she left Bahia, Brazil, viz: the Amazonian, Conrad, Gildersleeve, Talisman, Anna F. Schmidt, and Express.

On the same day that she arrived on this coast she spoke a small British schooner, named the Rover, which reported her next day at this port July 28. She was afterwards seen by other vessels on the morning of the 28th, but no intelligence was received here that she had entered any of the ports or bays of this colony until Tuesday, August 4, when the British schooner Atlas reported that she had entered Saldanha Bay on the 28th, and was still there, her crew being engaged in painting her. Captain Boyce, of the Atlas, said he was requested by Captain Semmes to take some prisoners to me at Cape Town, but he declined to do so.

On hearing this intelligence I wrote the following letter to the governor, which I carried in person, to request an interview on the subject of which it treated:

"UNITED STATES CONSULATE, &C., *August* 4, 1863.

"SIR: From reliable information received by me, and which you are, also, doubtless in possession of, a war steamer called the Alabama is now in Saldanha Bay, being painted, discharging prisoners of war, &c. The vessel in question was built in England to prey upon the commerce of the United States of America, and escaped therefrom while on her trial trip, forfeiting bonds of £20,000, which the British government exacted

under the foreign enlistment act. Now, as your government has a treaty of amity and commerce with the United States, and has not recognized the persons in revolt against the United States as a government at all, the vessel alluded to should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British government was sincere in exacting the bonds, you have, doubtless, been instructed to send her home to England, where she belongs.

"But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the colony another day. She has been at Saldanha Bay four (six) days already, and a week previously on the coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of 'necessary repairs,' and is no proof that she is unseaworthy; and to allow her to visit other ports after she has set the Queen's proclamation at defiance, would not be regarded as in accordance with the spirit and purpose of that document.

"Yours, &c.,

"WALTER GRAHAM,
"*United States Consul.*

"His Excellency SIR PHILIP WOODHOUSE."

Not finding the governor at home, I left the above letter. Next morning, August 5th, I received the following:

"COLONIAL OFFICE, *August* 5, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, relative to the Alabama.

"His excellency has no instructions, neither has he any authority, to seize or detain that vessel. And he desires me to acquaint you he has received a letter from the commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British government.

"The course which Captain Semmes here proposes to take is, in the governor's opinion, in conformity with the instructions he has himself received relative to ships of war and privateers belonging to the United States and the States calling themselves the Confederate States of America, visiting British ports. The reports received from Saldanha Bay induce the governor to believe that the vessel will leave that harbor as soon as her repairs are completed; but he will, immediately on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by her Majesty's government.

"I have the honor to be, &c.,

"L. ADAMSON,
"*For the Colonial Secretary.*"

At about 2 o'clock p. m. on the same day (August 5) it was reported from the signal station of the harbor that the steamer Alabama was standing in, and also an American bark, and shortly after it was signaled that the steamer was standing toward the bark. On hearing this, I at once took a cab and proceeded in the direction of Green Point, about two miles from my office, where I witnessed the capture of the bark Sea Bride by the Alabama. I immediately proceeded to the governor's house and told him what I had seen, protesting at the same

time against the capture, because it was permitted in British waters. His excellency remarked that the question of infringement of neutral rights would be purely dependent on testimony; but he assured me that, in any event, no breach of neutrality would be permitted, so far as he could prevent it. He concluded the interview by stating that he would immediately telegraph the admiral of the station at Simon's Bay to send a war vessel around to this harbor, Table Bay, to enforce a strict neutrality, and requested me to put my protest in writing.

At 3 o'clock I returned to my office, and at 4 o'clock I dispatched the following letter:

"UNITED STATES CONSULATE,
"*Cape Town, August* 5, 1863.

"SIR: The confederate steamer Alabama has just captured an American bark off Green Point, or about four miles from the nearest land—Robbin Island. I witnessed the capture with my own eyes, as did hundreds of others at the same time. This occurrence, at the entrance of Table Bay, and clearly in British waters, is an insult to England, and a grievous injury to a friendly power, the United States. Toward the government of my country and her domestic enemies the government of England assumes a position of neutrality; and if the neutrality can be infringed with impunity in this bold and daring manner, the government of the United States will, no doubt, consider the matter as one requiring immediate explanation. Believing that the occurrence was without your knowledge or expectation, and hoping you will take such steps to redress the outrage as the exigence requires,

"I am, sir, &c.,

"WALTER GRAHAM,
"*United States Consul.*

"His Excellency SIR PHILIP E. WOODHOUSE."

About 5 o'clock his excellency sent for me to the custom-house, and informed me that Captain Semmes desired to land some prisoners, and that he, the governor, would grant permission, provided I would agree to support them. This I consented to do, and the governor then acknowledged the receipt of my letter, and repeated his assurance that no breach of neutrality would be permitted.

Next morning, (Thursday, August 6th,) I received the following:

"COLONIAL OFFICE, *August* 6, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date respecting the capture of the Sea Bride by the Alabama, and to acquaint you that he will lose no time in obtaining accurate information as to the circumstances of the capture.

"I have the honor, &c.,

"RAWSON W. RAWSON,
"*Colonial Secretary.*"

About the same time this letter was received, all the prisoners were landed, fifteen of whom were the crew of the Anna F. Schmidt, fifteen of the Express, and twelve of the Sea Bride.

On the afternoon of the same day I dispatched the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 6, 1863.

"SIR: I have the honor to acknowledge the receipt of your dispatch of this date.

"I beg now to inclose, for your excellency's perusal, the affidavit of Captain Charles F. White, of the Sea Bride, protesting against the capture of the said bark in British waters. The bearings taken by him at the time of capture conclusively show that she was in neutral waters, being about two and a half miles from Robbin Island. This statement is doubtless more satisfactory than the testimony of persons who measured the distance by the eye.

"I believe that there is no law defining the word coast other than international law. That law has always limited neutral waters to *the fighting distance from land*, which, upon the invention of gunpowder, was extended to a distance of three nautical miles from land on a *straight coast;* and by the same rule, since the invention of Armstrong rifled cannon, to at least six miles.

"But all waters inclosed by a line drawn between two promontories or headlands are recognized by all nations as neutral. And England was the first that adopted the rule calling such waters the "King's Chambers." By referring to Wheaton's Digest, page 234, or any other good work on international law, you will find the above rules laid down and elucidated.

"The fact that the prize has not already been burned, and that her fate is still in suspense, is clear proof that Captain Semmes had misgivings as to the legality of the capture, and awaits your excellency's assent. If you decide that the prize was legally taken, you will assume a responsibility which Captain Semmes himself declined to take.

"I have the honor, &c.,

"WALTER GRAHAM,
"*United States Consul.*"

[Inclosure.]

"UNITED STATES CONSULATE,
"*Cape Town, August* 6, 1863.

"On this 6th day of August, 1863, personally appeared before me, Walter Graham, consul of the United States at Cape Town, Charles F. White, master of the Sea Bride, of Boston, from New York, and declared on affidavit that on the 3d day of August instant he sighted Table Mountain and made for Table Bay, but that on the 4th instant, night coming on, he was compelled to stand out. On the 5th instant he again made for the anchorage, and about 2 o'clock p. m. saw a steamer standing towards the bark, which he supposed was the English mail steamer, but on nearing her found her to be the confederate steamer Alabama. He, Captain White, was peremptorily ordered to heave his vessel to, as a prize to the Alabama. One gun was first fired, and immediately after the demand was made another gun was fired. Two boats were lowered from the Alabama and sent on board the bark. The officer in charge of these boats demanded the ship's papers, which the said master was compelled to take on board the said steamer. This happened about a quarter before 3 o'clock. He and his crew were immediately taken from his vessel and placed as prisoners on board the Alabama; the officers and crew put in irons. The position of the bark at the time of capture was as follows:

"Green Point light-house bearing south by east.

"Robbin Island light-house bearing northeast.

"The said appearer did further protest against the illegal capture of said vessel, as she was in British waters at the time of capture, according to the bearings.

"This done and protested before me, the said consul, the day, month, and year above written.

"WALTER GRAHAM,
"*United States Consul.*
"CHARLES F. WHITE,
"*Master of Sea Bride.*"

Next morning, August 7th, I received the following:

"COLONIAL OFFICE, *August* 7, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, inclosing an affidavit made by the master of the Sea Bride, and to acquaint you that an inquiry into them is now in progress.

"I have the honor, &c.,

"RAWSON W. RAWSON,
"*Colonial Secretary.*"

On the same day I sent to the governor the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 7, 1863.

"SIR: Understanding from your letter of this date, received this morning, that the case of the Sea Bride is still pending, I inclose the affidavit of the first officer of that vessel, and the cook and steward, which I hope will throw additional light on the subject.

"From the affidavit of the first officer it appears that the alleged prize was brought within one and a half mile of Green Point light-house yesterday at 1 o'clock p. m. Now, as this vessel was at that time in charge of a prize crew, it was a violation of neutrality as much as if the capture had been made at the same distance from land. Pending your decision of the case, I would most respectfully suggest that the prize crew on board of the Sea Bride be removed, and that the vessel be put in charge of a crew from her Majesty's ship Valorous.

"I have the honor,

"WALTER GRAHAM,
"*United States Consul.*"

[Inclosure.]

"*Affidavit of James Robertson.*

"UNITED STATES CONSULATE,
"*Cape Town, Cape of Good Hope, August* 7, 1863.

"On the day and date hereof before me, Walter Graham, consul for the United States of America at Cape Town, personally came and appeared James Robertson, cook and steward of the bark Sea Bride, an American vessel, and made affidavit that he was on board said bark on the night of the 5th day of August instant, after the said bark had been captured as a prize by the confederate steamer Alabama, and a prize crew put on board. That at about five minutes before 2 o'clock a. m. of the 6th instant, the prize crew on board the said bark received a signal from the Alabama aforesaid to burn the said bark, and immediately all hands were called to execute that order. That the sails were clewed, a tar barrel taken from underneath the top-gallant forecastle and placed in the forecastle, and a bucket full of tar, with other combustibles and

ammunition, ordered on the cabin table; but that when these arrangements were completed another signal was received from the said Alabama countermanding the order to burn the said prize, and to stand off and on the island until daylight, which orders were obeyed.

"JAMES ROBERTSON,
"*Steward bark Sea Bride.*

"Witness my hand and official seal, this 7th day of August, 1863.
"WALTER GRAHAM,
"*United States Consul.*"

[Inclosure.]

"*Affidavit of John Schofield.*

"UNITED STATES CONSULATE,
"*Cape Town, Cape of Good Hope, August* 7, 1863.

"On the day and date hereof before me, Walter Graham, consul for the United States of America at Cape Town, personally came and appeared John Schofield, first officer of the bark Sea Bride, of Boston, who made affidavit that he was on board of said vessel at 1 o'clock p. m. yesterday, the 6th day of August instant, while she was in possession of a prize crew of the steamer Alabama; that he took the bearings of said bark at that time, which were as follows: Robbin Island light-house bore northeast by north one-half north, Green Point light-house bore southwest one-half west.

"He also deposed that the officer in command of the bark came on deck about that time, and, stamping his foot, as if chagrined at finding her so near the land, ordered her further off, which was done immediately.

"JOHN SCHOFIELD,
"*Late First Officer of bark Sea Bride.*

"Witness my hand and official seal, this 7th day of August, 1863.
"WALTER GRAHAM,
"*United States Consul.*"

The inclosures of the above letter gave the bearing of the ship at the time mentioned, which were as follows:

Robbin Island northeast by north one-half north.

Green Point light-house southwest one-half west.

The steward also testified that orders were given to burn the Sea Bride at 2 o'clock a. m. on the 6th, which were afterwards countermanded when all was ready.

On Friday I learned, unofficially, that testimony had been taken that day before a clerk of the peace in Cape Town in relation to the capture of the Sea Bride, and that the testimony consisted of statements as to the distance from land, estimated by persons on land at the time of capture, and that the testimony of Captain White and others, of the Sea Bride and of the Alabama, was thrown out or not taken.

"*Mr. Adamson to Mr. Graham.*

"COLONIAL OFFICE, *August* 7, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, inclosing two affidavits relative to the Sea Bride, and to state that his excellency is not prepared to admit that the fact of

that vessel having been brought by the prize crew within one and a half mile of the Green Point light-house 'was a violation of the neutrality as much as if the capture had taken place at the same distance from land,' although both the belligerents are prohibited from bringing their prizes into British ports.

"The governor does not feel warranted in taking steps for the removal of the prize crew from the Sea Bride.

"I have, &c.,

"L. ADAMSON,
"*For the Colonial Secretary.*"

On Saturday, at 4 o'clock p. m., I received the following letter:

"COLONIAL OFFICE, *August* 8, 1863.

"SIR: With reference to the correspondence that has passed relative to the capture by the confederate steamer Alabama of the bark Sea Bride, I am directed by the governor to acquaint you that, on the best information he has been enabled to procure, he has come to the conclusion that the capture cannot be held to be illegal, or in violation of the neutrality of the British government, by reason of the distance from land at which it took place.

"His excellency will, by next mail, make a full report of the case to her Majesty's government.

"I have the honor, &c.,

"RAWSON W. RAWSON,
"*Colonial Secretary.*"

On Monday morning I dispatched the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 10, 1863.

"SIR: Your decision in the case of the Sea Bride was duly received at 4 o'clock p. m. on Saturday. In communicating that decision you simply announce that the vessel was, in your opinion, and according to evidence before you, a legal prize to the Alabama, but you omit to state the principle of international law that governed your decision, and neglect to furnish me with the evidence relied upon by you. Under these circumstances I can neither have the evidence verified nor rebutted here, nor am I enabled to transmit it, *as it stands*, to the American minister at London, nor the United States government at Washington. An invitation to be present when the *ex parte* testimony was taken was not extended to me, and I am therefore ignorant of the tenor of it, and cannot distinguish the portion thrown out from that which was accepted. If your decision is that the neutral waters of this colony only extend a distance of three miles from land, the character of that decision would have been aptly illustrated to the people of Cape Town, had an American war vessel appeared on the scene and engaged the Alabama in battle. In such a contest, with cannon carrying a distance of six miles, (three over land,) the crashing buildings in Cape Town would have been an excellent commentary on your decision.

"But the decision has been made and cannot be revoked here, so that further comment at present is therefore unnecessary. It can only be reversed by the government you represent, which it probably will be when the United States government shall claim indemnity for the owners of the Sea Bride.

"An armed vessel named the Tuscaloosa, claiming to act under the

authority of the so-called Confederate States, entered Simon's Bay on Saturday, the 8th instant. That vessel was formerly owned by citizens of the United States, and while engaged in lawful commerce was captured as a prize by the Alabama. She was subsequently fitted out with arms by the Alabama, to prey upon the commerce of the United States, and now, without having been condemned as a prize by any admiralty court of any recognized government, she is permitted to enter a neutral port in violation of the Queen's proclamation, with her original cargo on board! Against this proceeding I hereby most emphatically protest; and I claim that the vessel ought to be given up to her lawful owners. The capture of the Sea Bride in neutral waters, together with the case of the Tuscaloosa, also a prize, constitute the latest and best illustration of British neutrality that has yet been given.

"I have the honor, &c.,

"WALTER GRAHAM,
"*United States Consul.*

"His Excellency PHILIP E. WOODHOUSE."

On the same day I received the following:

"COLONIAL OFFICE, *August* 10, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and to state, with reference to that part of it which relates to the Tuscaloosa, that his excellency is still in correspondence with the commander-in-chief respecting the character of that vessel and the privileges to which she is entitled.

"I have the honor, &c.,

"RAWSON W. RAWSON,
"*Colonial Secretary.*"

I did not reply to the foregoing until Wednesday, the 12th instant, when I sent the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 12, 1863.

"SIR: Upon receiving your last communication to me, dated the 10th instant, I deemed it simply a report of progress on one subject treated of in my last letter to your excellency, and I have, therefore, waited axiously for the receipt of another letter from the colonial secretary, communicating the final result in the case. Failing to receive it, and hearing yesterday p. m. that the Tuscaloosa would proceed to sea from Simon's Bay to-day, I applied for an injunction from the supreme court to prevent the vessel sailing, before I had an opportunity of showing by witnesses that she is owned in Philadelphia, in the United States; that her true name is the Conrad; that she has never been condemned as a prize by any legally constituted admiralty court; and that I am ex officio the legal agent of the owners, underwriters, and all others concerned. I have not yet heard the result of that application, and, fearing that delay may allow her to escape, I would respectfully urge you to detain her in port until the proper legal steps can be taken.

"I am well aware that your government has conceded to the so-called Confederate States the rights of belligerents, and is thereby bound to respect Captain Semmes's commission; but, having refused to recognize the confederacy *as a nation*, and having excluded his captures from all the ports of the British empire, the captures necessarily revert to the real owners, and are forfeited by Captain Semmes as soon as they enter a British port.

"Hoping to receive an answer to this and the preceding letter as early as possible, and that you will not construe my persistent course throughout this correspondence on neutral rights as importunate, or my remarks as inopportune,

"I have the honor, &c.,

"WALTER GRAHAM,
"*United States Consul.*"

Late on the same day I received the following:

"COLONIAL OFFICE, *August* 12, 1864.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and to acquaint you that it was not until late last evening that his excellency received from the naval commander-in-chief information that the condition of the Tuscaloosa was such as, as his excellency is advised, to entitle her to be regarded as a vessel of war.

"The governor is not aware, nor do you refer him to the provisions of international law by which captured vessels, as soon as they enter our neutral ports, revert to their real owners and are forfeited by their captors. But his excellency believes that the claims of contending parties to vessels captured can only be determined in the first instance by the courts of the captor's country.

"The governor desires me to add that he cannot offer any objection to the tenor of the correspondence which you have addressed to him on this subject, and that he is very sensible of the courtesy you have exhibited under such very peculiar circumstances. He gives you credit for acting on a strict sense of duty to your country.

"I have the honor, &c.,

"RAWSON W. RAWSON."

On the 17th instant, (Monday,) I wrote the following letter:

"UNITED STATES CONSULATE,
"*Cape Town, August* 17, 1863.

"SIR: I have delayed acknowledging the receipt of your last letter, dated August 12, on account of events transpiring, but which have not yet culminated, so as to form the subject of correspondence.

"Your decision that the Tuscaloosa is a vessel of war, and by inference a prize, astonishes me, because I do not see the necessary incompatibility. Four guns were taken from on board the Talisman (also a prize) and put on board the Conrad, (Tuscaloosa;) but that transfer did not change the character of either vessel as a prize, for neither of them could cease to be a prize till it had been condemned in an admiralty court of the captor's country, which it is not pretended had been done. The Tuscaloosa, therefore, being a prize, was forbidden to enter Simon's Bay by the Queen's proclamation, and should have been ordered off at once, but she was not so ordered. Granting that her Majesty's proclamation affirmed the right of Captain Semmes, as a belligerent, to take and to *hold* prizes on the high seas, it just as emphatically denies his right to hold them in British ports. Now, if he could not hold them in Simon's Bay, who else could hold them except those whose right to hold them was antecedent to his—that is, the owners?

"The Tuscaloosa remained in Simon's Bay seven days, with her original cargo of skins and wool on board. This cargo, I am informed by those who claimed to *know*, has been purchased by merchants in Cape

Town; and if it should be landed here directly from the prize, or be transferred to other vessels at some secluded harbor on the coast beyond this colony, and brought from there here, the infringement of neutrality will be so palpable and flagrant that her Majesty's government will probably satisfy the claims of the owners gracefully and at once, and thus remove all cause of complaint. In so doing, it will have to disavow and repudiate the acts of its executive agents here—a result I have done all in my power to prevent.

"Greater cause of complaint will exist if the cargo of the Sea Bride is disposed of in the same manner, as I have reason to apprehend it will be, when negotiations are concluded; for, being originally captured in neutral waters, the thin guise of neutrality would be utterly torn into shreds by the sale of her cargo here.

"The Georgia, a confederate war steamer, arrived at Simon's Bay yesterday, and the Florida, another vessel of the same class, has arrived or is expected hourly at Saldanha Bay, where she may remain a week without your knowledge, as the place is very secluded. The Alabama remained here in Table Bay nearly four days, and at Simon's Bay six days; and as the Tuscaloosa was allowed to remain at Simon's Bay seven days, I apprehend that the Georgia and Florida will meet with the same and even greater favors. Under such circumstances further protests from me would seem to be unavailing, and I only put the facts upon record for the benefit of my government and officials possessed of diplomatic functions.

"I have the honor, &c.,

"WALTER GRAHAM,
"*United States Consul.*"

I have not as yet received any answer to the foregoing letter, and I have little else to communicate beyond what is embraced in my correspondence.

The Georgia reports no captures since she left Bahia, Brazil. The Alabama and Tuscaloosa are cruising on this coast, near Table Bay.

No American war ships have yet appeared here, but they are anxiously looked for.

Two merchants from this place have gone to Saldanha Bay to buy prize cargoes. When they return I will watch their proceedings closely.

A company of speculators offered Captain Semmes £4,000 for the Sea Bride and cargo, and he would have taken it; but he wanted a bond that they would not revert to the enemy. They offered me a large bribe if I would give my authority to have them sold here for the benefit of the underwriters, they asking £7,000 for the ransom; but I refused to give them my authority to sell. This was before Captain Semmes spoke of the bond.

Should anything else occur in connection with this affair, I will let you know as soon as any mail leaves here.

* * * * * * * * *

I have the honor to be, sir, your most obedient servant,

WALTER GRAHAM,
United States Consul.

Hon. CHARLES FRANCIS ADAMS,
Minister Plenipotentiary, &c., &c.

[For further correspondence relative to the "Alabama" at Cape Town, see "General Appendix," No. 10.]

Mr. Seward to Mr. Adams.

No. 728.] DEPARTMENT OF STATE,
Washington, October 5, 1863.

SIR: Referring to my No. 727, of the 30th ultimo, I now inclose a copy of a communication of the 1st instant, addressed to me by J. D. Jones, esq., president of the Atlantic Mutual Insurance Company, of New York, relative to the claim of that company against the British government on account of losses growing out of the destruction of the American ship Brilliant of that port.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For inclosures see dispatch from Mr. Adams to Mr. Seward, No. 527, dated October 30, 1863, *post.*]

Mr. Seward to Mr. Adams.

No. 730.] DEPARTMENT OF STATE,
Washington, October 6, 1863.

SIR: Your dispatch of the 18th of September, No. 500, has been received, together with a copy of the correspondence which has been held by you with Earl Russell on the subject of the claims of the owners of the ship Nora, which was destroyed by the war steamer Alabama. Earl Russell produces what he pronounces satisfactory evidence that that steamer was not fitted out at Liverpool as a ship of war. He then says, that when the United States government assumes to hold the government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels of war in a foreign port because such vessels were originally built in a British port, he, Earl Russell, has to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American courts of the highest authority, and he has only, in conclusion, to express his hope that you may not be instructed again to put forward claims which her Majesty's government cannot admit to be founded on any grounds of law or justice.

You refer me to these statements of Earl Russell, and ask for instructions upon the question thus raised.

The United States understand that they are at peace with Great Britain, and that that power is obliged by treaties and international law to refrain, and to restrain its subjects, from making war against the United States. Her Majesty's government probably concur in the legal principle thus asserted. The United States understand the facts in the case of the Alabama in a different sense from that which is accepted by Earl Russell. They understand that the Alabama is a pirate ship of war, roving over the seas capturing, burning, sinking, and destroying American vessels, without any lawful authority from the British government or from any other sovereign power, in violation of the law of nations, and contemptuously defying all judicial tribunals equally of Great Britain and all other states. The United States understand that she was purposely built for war against the United States by British subjects in a British port, and prepared there to be armed and equipped with a

specified armament adapted to her construction for the very piratical career which she is now pursuing; that her armament and equipment, duly adapted to this ship of war and no other, were simultaneously prepared by the same subjects in a British port, to be placed on board to complete her preparation for that career; that when she was ready and her armament and equipment were equally ready, she was clandestinely and by connivance sent by her British holders, and the armament and equipment were at the same time clandestinely sent through the same connivance by the British subjects who had prepared them, to a common port outside of British waters, and there the armament and equipment of the Alabama as a ship of war were completed, and she was sent forth on her work of destruction with a crew chiefly of British subjects, enlisted in and proceeding from a British port, in fraud of the laws of Great Britain and in violation of the peace and sovereignty of the United States. The United States understand that the purpose of the building, armament, and equipment and expedition of the vessel was one single criminal intent, running equally through the building and the equipment and the expedition, and fully completed and executed when the Alabama was finally dispatched, and that this intent brought the whole transaction of building, armament, and equipment within the lawful jurisdiction of Great Britain, where the main features of the crime were executed. The United States understand that they gave sufficient and adequate notice to the British government that this wrongful enterprise was begun and was being carried out to its completion; and that, upon receiving this notice, her Majesty's government were bound by treaty obligations and by the law of nations to prevent its execution, and that if the diligence which was due had been exercised by the British government, the expedition of the Alabama would have been prevented and the wrongful enterprise of British subjects would have been defeated. The United States confess that some effort was made by her Majesty's government, but it was put forth too late and was too soon abandoned. Upon these principles of law and these assumptions of fact, the United States do insist, and must continue to insist, that the British government is justly responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the Alabama. I cannot, therefore, instruct you to refrain from presenting the claims which you have now in your hands of the character indicated.

In saying this, however, it is not to be understood that the United States intend to act dogmatically or in a litigious spirit. They are seriously and earnestly desirous to maintain not only peace, but even amity, with Great Britain. They understand how unavoidably grievances have reciprocally arisen out of the divergence of policies which the two countries have adopted in regard to the present insurrection. This government thinks it understands, and in some measure appreciates, the difficulties and embarrassments under which her Majesty's government are laboring, resulting from the pressure of interests and combinations of British subjects calculated to compromise the neutrality which her Majesty has proclaimed, and tending even to involve the two nations in a destructive maritime war. This government confesses very freely that it does not regard the present hour as one that is entirely favorable to a calm and candid examination of either the facts or the principles involved in such cases as the Alabama. It looks forward to a period when our intestine war shall have ceased, and the interests and passions which it has awakened abroad as well as at home shall have subsided and disappeared. Though indulging a confident belief in the correctness of our positions in regard to the claims in question, and others, we shall be

willing at all times hereafter, as well as now, to consider the evidence and the arguments which her Majesty's government may offer to show that they are invalid, and if we shall not be convinced, there is no fair and just form of conventional arbitrament or reference to which we shall not be willing to submit them. Entertaining these views, the President thinks it proper for you to inform Earl Russell that you must continue to give him notice of claims of the character referred to when they arise, and that you shall propose to furnish him the evidence upon which they rest, as is customary in such cases, in order to guard against ultimate failure of justice. If he shall decline to receive the evidence, you will cause it to be duly registered and preserved, to be presented when a suitable occasion shall hereafter occur for renewing and urging prosecution of the claims.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 512.] LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: A copy of Lord Russell's acknowledgment, dated the 2d instant, of my note to him of the 29th ultimo, transmitted with my dispatch (No. 505) of the 1st instant, is now forwarded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, inclosing copies of communications which have been made to you by the consul of the United States at Cape Town, relative to the proceedings at that place of the steam vessel Alabama, and I beg to inform you that the matter has already been brought to the notice of her Majesty's government and is now under their consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 522.] LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: I have to acknowledge the reception of dispatches from the department, numbered 727 to 731, inclusive, and also No. 723, mentioned last week as missing.

The most important of these is No. 730. I have at once given directions to prepare copies of the papers relating to the various cases which have been detained pending a decision, as well as of those which came to hand simultaneously with your dispatch. I have likewise drawn up a form of note to Lord Russell, based on your instructions, which will accompany them. As the labor of preparation takes time, in addition to the ordinary work of the legation, it may be a day or two before all will be complete to send.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 739.] DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: The mails of the Africa have arrived at last. I hasten to acknowledge the reception of your dispatch of the 1st of October, (No. 505,) which informs me of the representation you have submitted to Earl Russell concerning the depredations of the Alabama in the waters which surround the Cape of Good Hope.

Thus far we have received no advices from our consul at that place, or from any other source.

The representation you have made is approved, and as the case shall be further developed you will be expected to maintain the rights of the United States in the spirit indicated in your note to his lordship. I submit for your consideration that the occasion seems to be a suitable one for representing to the earl that the toleration shown by the British authorities at the Cape of Good Hope to the Alabama, a vessel that has never touched American waters, and either burns and destroys all that she captures, or condemns them in pretended courts held by the captors themselves on the deck of their ship, is a virtual confusion of all distinctions known in the law of nations between national belligerent vessels and privateers, and further, of all distinctions between privateers and pirates. If such is to become the practice of maritime powers, it will be difficult to perceive what the world has gained by the declaration of Paris, or could gain if that declaration should be accepted by all commercial nations.

The ultimate interest of Great Britain in the reprobation of such practices is not less than the immediate interest of the United States in the question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 527.] LEGATION OF THE UNITED STATES,
London, October 30, 1863.

SIR: I have the honor to transmit a copy of a note received from Lord Russell, dated the 26th instant, in reply to mine to him of the 23d,

a copy of which, based on the instructions contained in your dispatch No. 730, of the 6th instant, is now submitted with it.

Inasmuch as the argument in your dispatch was drawn up more particularly to apply to the case of the Alabama, I decided upon sending in with my note only the papers connected with the depredations committed by that vessel. This left on my hands a number of others occasioned by the Florida, not disposed of. I now propose to send those in likewise to his lordship, with a note, in which I mean to take notice of his singular allusion to "seeming merchant ships," in the face of the evidence in those cases, which went so far to strip off all such semblance.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

MY LORD: It may be within your recollection that, in the note of the 17th of September, which I had the honor to address to you in reply to yours of the 14th of the same month, respecting the claim for the destruction of the ship Nora, and other claims of the same kind which I had been instructed to make, I expressed myself desirous to defer to your wishes that they should not be pressed on the attention of her Majesty's government, so far as to be willing to refer the question of the withdrawal of my existing instructions back for the consideration of my government. I have now the honor to inform your lordship of the result of that application.

After a careful resurvey of all the facts connected with the outfit and late proceedings of the gunboat No. 290, now known as the war steamer Alabama, I regret to report to you that the government of the United States finds itself wholly unable to abandon the position heretofore taken on that subject.

The reasons for this conclusion have been so often explained in the correspondence which I have heretofore had the honor to hold with your lordship touching this case, that I shall endeavor to confine myself to a brief recapitulation.

The United States understand that they are at peace with Great Britain. That peace is furthermore secured by treaties, which oblige both parties to refrain and to restrain their subjects from making war against each other.

They greatly regret to be compelled to admit the fact that the vessel known first as the gunboat No. 290, and now as the Alabama, is roving over the seas, capturing, burning, sinking, and destroying American vessels, without lawful authority from any source recognized by international law, and in open defiance of all judicial tribunals established by the common consent of civilized nations as a restraint upon such a piratical mode of warfare.

That this vessel was built with the intent to make war against the United States, by British subjects, in a British port, and that she was prepared there to be armed and equipped with a specific armament adapted

to her construction, for the very purpose she is now pursuing, does not appear to them to admit of dispute.

That this armament and equipment, adapted to this ship and no other, were simultaneously prepared by British subjects, in a British port, with the intent to complete her preparation for her career, seems equally clear. Furthermore, it is sufficiently established that, when this vessel was ready, and her armament and equipment were equally ready, she was clandestinely sent, by the contrivance of her British holders, and the armament and equipment were at the same time clandestinely sent, through the connivance of the same or other British subjects, who prepared them, to a common point outside of British waters, and there the armament and equipment of this vessel as a war ship were completed.

This war ship, thus deriving all its powers to do mischief from British sources, manned by a crew of British subjects enlisting in and proceeded from a British port, then went forth on her work to burn and destroy the property of the people of the United States, in fraud of the laws of Great Britain, and in violation of the peace and sovereignty of the United States. From the earliest to the latest day of her career she does not appear to have ever gained any other national character upon the ocean than that which belongs to her in her origin.

From a review of all these circumstances, essential to a right judgment of the question, the government of the United States understand that the purpose of the building, armament, equipment, and expedition of this vessel carried with it one single criminal intent, running equally through all the portions of this preparation, fully complete and executed when the gunboat No. 290 assumed the name of the Alabama; and that this intent brought the whole transaction, in all its several parts here recited, within the lawful jurisdiction of Great Britain, where the main portions of the crime were planned and executed.

Furthermore, the United States are compelled to assume that they gave due and sufficient previous notice to her Majesty's government that this criminal enterprise was begun and in regular progress of execution, through the agencies herein described, in one of her Majesty's ports. They cannot resist the conclusion that the government was then bound, by treaty obligations and by the law of nations, to prevent the execution of it. Had it acted with the promptness and energy required by the emergency, they cannot but feel assured that the whole scheme must have been frustrated. The United States are ready to admit that it did act so far as to acknowledge the propriety of detaining this vessel, for the reasons assigned; but they are constrained to object that valuable time was lost in delays, and that the effort, when attempted, was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with the mere forms of proceeding, on the part of Great Britain, which are exclusively within her own control.

Upon these principles of law, and these assumptions of fact, resting upon the evidence in the case, I am instructed to say that my government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the Alabama.

In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection.

They cannot but appreciate the difficulties under which her Majesty's government is laboring from the pressure of interests and combinations of British subjects, apparently bent upon compromising, by their unlawful acts, the neutrality which her Majesty has proclaimed, and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination, by either party, of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which her Majesty's government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion, I am directed to say that there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit.

Entertaining these views, I crave permission to apprise your lordship that I have received directions to continue to present to your notice claims of the character heretofore advanced whenever they arise, and to furnish the evidence on which they rest, as is customary in such cases, in order to guard against possible ultimate failure of justice from the absence of it.

In accordance with these instructions, I now do myself the honor to transmit the papers accompanying the cases heretofore withheld pending the reception of later information.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Weaver to Mr. Seward.

NEW YORK, *September* 5, 1863.

SIR: Herewith I inclose a claim against the government of the United States, together with the documentary evidence of the claim, for the loss and destruction of the bark Union Jack by the so-called Confederate States steamer Alabama. And I beg to request that you will have it filed for such action as may hereafter be taken in other cases of a like nature.

With utmost respect, &c.,

C. P. WEAVER,
Late Master of Bark Union Jack.

Declaration of Charles P. Weaver.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss., City of Boston:

Be it known to all whom it doth or may concern, that on this 23d day of July, A. D. 1863, before me, George Howland Folger, a notary public

duly commissioned and sworn in and for the county aforesaid, personally appeared Charles P. Weaver, of Braintree, in the county of Norfolk, Commonwealth of Massachusetts, master mariner, who did on oath declare that he was the owner of twenty sixty-fourth parts of the bark Union Jack, of Boston, in the Commonwealth aforesaid, of the burden of $482\frac{87}{95}$ tons, and that he was the sole agent for and representing the owners of the other portions of the said bark Union Jack, as appears by a power of attorney duly executed, a copy of which is herewith annexed, marked A; that the said bark was owned as follows:

Charles P. Weaver, twenty sixty-fourths; Benjamin F. Delane, two sixty-fourths; Frederick Chandler, one sixty-fourth; Charles A. Cousins, one sixty-fourth; Elisha H. Ryder, two sixty-fourths; Maurice M. Pigott, two sixty-fourths; Albert B. Law, one sixty-fourth; William H. Hoskins, one sixty-fourth; Henry Pigeon, four sixty-fourths; of Boston, Commonwealth aforesaid. Norton Pratt, of South Braintree, Commonwealth aforesaid, sixteen sixty-fourths; Luther A. Robey, of Nashua, State of New Hampshire, eight sixty-fourths; Louisa Wilde, one sixty-fourth; Howe Averell & Co., one sixty-fourth; and John Atkinson, one-sixteenth, as will be seen by reference to the certificate of the collector of customs at Boston of the register of said bark, which is hereto annexed, marked B; that the said bark Union Jack, under the command of C. P. Weaver, sailed from the port of New York on the 28th day of March, A. D. 1863, laden with a general cargo, and bound to the port of Shanghae, China. That the voyage was pursued without injury and nothing worthy of note occurred on board until the 3d day of May following, when in latitude 9° 40′ longitude 32° 30′, the said bark was seized and captured by the confederate steamer Alabama, and, by the crew of said steamer, the said bark was set on fire and burned and destroyed, together with her cargo and stores; that on the 12th day of May following, the master and crew of said bark were landed at the port of Bahia, when they extended a protest before Thomas F. Wilson, United States consul at that port, setting forth a full account of the seizure and destruction of said bark Union Jack and her cargo, a certified copy of which is herewith annexed, marked C; that by this seizure and destruction this appearer and the other appearers and the other owners, whom he represents, have suffered injury and loss to the amount of $48,720, as follows: By the destruction of the bark aforesaid $35,000, as per estimate of E. C. Davis, esq., marine inspector for the Boston board of underwriters, certificate of which is herewith annexed, marked D; and the further sum of $6,000, being the balance due under the charter-party, payable in Shanghae, which, together with the premium of exchange on Shanghae at this time, making the sum set forth, a copy of which charter party is herewith annexed, marked E. And this appearer claims for loss of his nautical instruments and personal effects, stores for the use of the crew and belonging to him, this appearer, and his expenses of passage and return to the United States, together with loss to himself, in consequence of the breaking up of the voyage, in the sum of $7,720, as set forth in statement of particulars marked F, making the aforesaid sum of $48,720. And now the said appearer, Charles P. Weaver, in behalf of himself and the other owners whom he represents, prefers a claim against the government of the United States of America, holding them responsible for all losses and expenses arising from the seizure, restraint, detainment, and destruction of the vessel aforesaid, this appearer and those he represents holding themselves ready to furnish any additional proof desired in the premises; and the said appearer believes that in equity the gov-

ernment of the United States of America is bound to indemnify and hold them harmless for all losses, together with interest and expenses in consequence of the seizure herein set forth.

C. P. WEAVER.

In testimony whereof, I hereunto set my hand and notarial seal, at the city of Boston, this 23d day of July, A. D. 1863; and the said Charles P. Weaver hath in my presence affixed his name, having solemnly sworn to the truth of the foregoing declaration.

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

A.

Letter of Attorney.

Know all men by these presents, that we, Abiel Gove and Elbridge G. Choate, copartners under the firm name of Gove & Choate, Otis C. Howe, John Howe, jr., Samuel Averill and Edward Johnson, copartners under the firm name of Howe, Averill & Co., Benjamin F. Delano, Henry Pigeon, Frederick Chandler, Charles A. Cousins, Elisha H. Ryder, Maurice M. Pigott, Albert B. Lowe, William H. Hoskins, and Louisa Wilde, all of Boston, in the Commonwealth of Massachusetts, and United States of America; Norton Pratt, of South Braintree, in the Commonwealth aforesaid, and Luther A. Robey, of Nashua, in the State of New Hampshire, and United States of America, being with Charles P. Weaver, of Dorchester, in the Commonwealth aforesaid, the sole owners of the American vessel Union Jack, hereinafter described in the following proportions, viz: The said Weaver, twenty sixty-fourths; the said Pratt, sixteen sixty-fourths; the said Robey, eight sixty-fourths; the said Gove & Choate, copartners, four sixty-fourths; the said Pigeon, four sixty-fourths; the said Delano, Ryder, and Pigott, two sixty-fourths each; the said Howes, Johnson, and Averill, copartners, one sixty-fourth, and the said Chandler, Cousins, Lowe, Hoskins, and Wilde, one sixty-fourth each, have appointed, constituted, and made, and in our stead and place, put Charles P. Weaver aforesaid to be our true, sufficient, and lawful attorney for us, and in our names and stead, and to his own and our use, to sell and dispose of, at his discretion, the said American vessel Union Jack, whereof he, the said Weaver, is now master, her hull and body, with all the masts, sails, bowsprits, boats, anchors, cables, furniture, and other appurtenances thereto belonging, and at such price, and upon such terms of payment, as our said attorney may see fit; and in our names, and in the name of each of us to sign, seal, acknowledge, and deliver all bills of sale, or such other instruments of conveyance as may be necessary or convenient for the due transfer of the title to said vessel and appurtenances, and to receive payment therefor in his own name and our behalf.

The said vessel Union Jack is registered at the port of Boston, in the district of Massachusetts, in the United States of America; has two decks, three masts, an elliptic stem, and a figure head. She is a bark, and her length is $130\frac{8}{10}$ feet; her breadth $28\frac{4}{10}$ feet; her depth $16\frac{2}{10}$ feet; and she measures $482\frac{87}{95}$ tons.

Giving, and hereby granting, unto our said attorney full and whole strength, power, and authority in and about the premises, in our names

to seal, execute, acknowledge, and deliver all necessary deeds and other instruments of conveyance or acquittances, and to take and use all due means, course, and process in the law for obtaining and recovering all and singular the sum and sums of money, debts, goods, wares, merchandise, effects, and things whatsoever, which shall be due, payable, or in any way coming to us, in or by reason of the premises, and of recoveries and receipts thereof; and in our name to make, seal, and execute due acquittance and discharge; and for the premises to appear, and the persons of us the constituents to represent before any governor, judges, justices, officers, and ministers of the law whomsoever, in any court or courts of judicature, and there, on our behalf, to answer, defend, and reply unto all actions, causes, matters, and things whatsoever relative to the premises. Also to submit any matter in dispute in the premises to arbitration or otherwise; with full power to make and substitute one or more attorneys under him, our said attorney, and the same again at pleasure to revoke; and generally to say, do, act, transact, determine, accomplish, and finish all matters and things whatsoever relating to the premises as fully, completely, and effectually, to all intents and purposes as we, the said constituents, if present, ought or might personally, although the matter should require more special authority than is herein comprised; we, the said constituents, ratifying, allowing, and holding firm and valid all and whatsoever our said attorney or his substitutes shall lawfully do, or cause to be done, in and about the premises, by virtue of these presents.

In witness whereof, we, the said constituents, have hereunto set our hands and seals this 7th day of March, A. D. 1863.

ABIEL GOVE.
ELBRIDGE G. CHOATE.
OTIS C. HOWE.
JOHN HOWE, JR.
SAMUEL AVERILL.
EDWARD JOHNSON.
BENJ. F. DELANO.
HENRY PIGEON.
FRED'K CHANDLER.
CHARLES A. COUSINS.
ELISHA H. RYDER.
MAURICE M. PIGOTT.
ALBERT B. LOWE.
WM. H. HOSKINS.
LOUISA WILDE.
NORTON PRATT.
LUTHER A. ROBEY.

HER BRITANNIC MAJESTY'S CONSULATE,
States of Massachusetts and Rhode Island:

I, Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, do hereby certify that the undermentioned parties, viz., Abiel Gove, Elbridge G. Choate, Otis C. Howe, John Howe, jr., Samuel Averill, Edmund Johnson, Benjamin F. Delano, Henry Pigeon, Frederick Chandler, Charles A. Cousins, Elisha H. Ryder, Maurice M. Pigott, Albert B. Lowe, W. H. Hoskins, Louisa Wilde, Norton Pratt, and Luther A. Robey, personally appeared before me this day, and executed the within annexed document, and severally made oath that it was of their own free will, and for the purposes therein set forth.

In testimony whereof I have hereunto set my hand and affixed my seal of office at Boston, this 7th day of March, A. D. 1863.

FRANCIS LOUSADA,
Her Britannic Majesty's Consul for Massachusetts and Rhode Island.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss., City of Boston:

I, George H. Folger, a notary public, duly commissioned and sworn

in and for the county aforesaid, do certify the foregoing to be a true and exact copy of an original power of attorney now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston this 12th day of August, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

B.

PORT OF BOSTON AND CHARLESTON.

CUSTOM-HOUSE, BOSTON, COLLECTOR'S OFFICE,
June 26, 1863.

I hereby certify that according to the records in this office the bark Union Jack, of $482\frac{87}{95}$ tons, was registered at this office December 16, 1862, and the following were her owners, namely: Charles P. Weaver, twenty sixty-fourths; Benjamin F. Delano, two sixty-fourths; Frederick Chandler, one sixty-fourth; Charles A. Cousins, one sixty-fourth; Elisha H. Ryder, two sixty-fourths; Maurice M. Pigott, two sixty-fourths, Albert B. Lowe, one sixty-fourth; William H. Hoskins, one sixty-fourth; Henry Pigeon, four sixty-fourths; Abiel Gove and Elbridge G. Choate, copartners, six sixty-fourths, of said Boston; Norton Pratt, sixteen sixty-fourths, of South Braintree, State of Massachusetts; Luther A. Robey, eight sixty-fourths, of Nashua, State of New Hampshire. And the following transfers have been recorded since the date of the register: Abiel Gove and Elbridge G. Choate, by bill of sale, one sixty-fourth to Louisa Wilde, December 19, 1862; recorded December 22, 1862. Abiel Gove and Elbridge G. Choate, by bill of sale, one sixty-fourth to Howe, Averill & Co., December 19, 1862; recorded January 19, 1863. Abiel Gove and Elbridge G. Choate, by bill of sale, one-sixteenth to John Atkinson, March 6, 1863; recorded June 27, 1863.

And there is no mortgage or other lien on record against said vessel in this office.

Given under my hand and seal of office this 26th day of June, 1863.

J. Z. GOODRICH, *Collector.*

C.

Marine note of protest.

CONSULATE OF THE UNITED STATES OF AMERICA,
Port of Bahia.

On this 12th day of May, A. D. 1863, before me, Thomas F. Wilson, consul of the United States of America for Bahia and the dependencies thereof, personally appeared C. P. Weaver, master of the ship or vessel called the Union Jack, of Boston, of the burden of 483 tons or thereabouts, and declared that on the 28th day of March last past he sailed in and with the said ship from the port of New York, laden with general cargo, and was captured and burned by the privateer Alabama on the 3d day of May, 1863, in latitude 9° 40′, longitude 32° 30′, and landed in this port by the said privateer Alabama on this day, hereby enters this note of protest accordingly to serve and avail him hereafter if found necessary.

C. P. WEAVER, *Master.*

Attested:
THOS. F. WILSON, *United States Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA,
Port of Bahia, Brazil, to wit:

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that on the 12th day of May, 1863, before me, Thomas F. Wilson, consul of the United States of America for Bahia and the dependencies thereof, personally came and appeared C. P. Weaver, master of the ship or vessel called the Union Jack, of Boston, of the burden of four hundred and eighty-three tons or thereabouts, who duly noted and entered with me, the said consul, his protest for the uses and purposes hereinafter mentioned, and now, on this day, to wit, the day of the date hereof, before me, the said consul, again comes the said C. P. Weaver, and requires me to extend this protest, and together with the said C. P. Weaver also came George W. Coleman, mate, and George Loring and Alexander Crosier, seamen of and belonging to the said ship, all of whom being by me duly sworn, &c., did severally, voluntarily, freely and solemnly declare, depose and state as follows, that is to say: That these appearers, on the 28th day of March, in their capacities aforesaid, sailed in and with the said vessel from the port of New York, laden with general cargo, and bound to the port of Shanghae; that the said ship was then tight, stanch, and strong, had her cargo well and sufficiently stowed and secured, had her hatches well calked and covered, was well and sufficiently manned, victualled and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that nothing worthy of note on board occurred until the 3d day of May, when in latitude 9° 40′ and longitude 32° 30′, with the wind at east and light, at 11.30 a. m. saw a sail on the port bow, about ten miles distant, bearing down upon us. At 1 p. m. made out that the sail was a steamer, and evidently intent upon boarding us. Kept the vessel off two points and endeavored to avoid the steamer, but she came up with us rapidly, and about this time displayed the flag of the United States of America, and as soon as we displayed ours she immediately hauled hers down and signalled us to heave to. It being now quite evident that she was the privateer Alabama, and that we were entirely in their power, backed the main yard. Immediately afterwards a boat came alongside, and informed us that we were a prize to the confederate steamer Alabama, the steamer setting the so-called Confederate States flag as the boat came alongside of us. After removing a part of our wearing apparel we were ordered on board the steamer, and about 7 p. m. the bark was set on fire and the steamer hauled by the wind to the eastward, taking one of the bark's boats with her. At 9 p. m. all of the masts were gone and the hull even enveloped in flames. At daylight next morning nothing of the vessel could be seen. On the 12th of May were landed at the port of Bahia. And these said appearers, upon their oaths aforesaid, do further declare and say that during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said vessel and cargo from all manner of loss, damage, or injury. Wherefore the said C. P. Weaver, master, hath protested, and by these presents I, the said consul, at his special instance and request, do publicly and solemnly protest against all and every person whom it doth or may concern, and against the winds and waves and billows of the sea, and against all and every accident, matter, and thing had and met with aforesaid, whereby and by reason whereof the said vessel or cargo already has, or hereafter shall appear to have suffered or sustained damage or injury; and do declare that all losses, damages,

costs, charges, and expenses that have happened to the said vessel or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain, by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of the said vessel, her tackle or apparel, or default or neglect of this appearer, his officers or any of his mariners.

Thus done and protested in the port of Bahia, this 14th day of May, A. D. 1863. In testimony whereof these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument, under my hand and the seal of this consulate, to serve and avail him, and all others whom it doth or may concern, as need and occasion may require.

THOS. F. WILSON, *United States Consul.*
C. P. WEAVER, *Master.*
GEO. W. COLEMAN, *Mate.*
GEORGE C. LORING, *Seaman.*
ALEXANDER CROSIER, *Seaman.*

I, Thomas F. Wilson, consul of the United States of America for Bahia and dependencies thereof, do hereby certify that the foregoing marine note of protest and extended protest, Nos. 1 and 2, are true and faithful copies of the originals filed in this consulate, the same having been carefully examined, word for word, and figure for figure.

Given under my hand and seal of this consulate this 16th day of May, A. D. 1863.

THOMAS F. WILSON,
United States Consul.

SUFFOLK, *ss:*

I, George H. Folger, a notary public, duly commissioned and sworn, do certify the foregoing to be a true and exact copy of an original consular copy of protest now before me.

In testimony whereof I have hereunto set my hand and notarial seal at Boston, this 23d day of July, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

D.

MARINE INSPECTION OFFICE, 76 STATE STREET,
Boston, June 27, 1863.

I hereby certify that the bark Union Jack, of Boston, was built at East Boston; launched November, 1862; 482 tons burden; was double deck; her frame was New Hampshire white oak, plank oak; upper deck beams yellow pine; lower deck beams oak; had full sets of hackmatack hanging knees under both decks; ceiling between decks was yellow pine; ceiling in the lower hold, oak; was most thoroughly fastened with iron and copper, and through locust treenails; was in all respects a very superior vessel; and when she left this port was worth $32,000; was sheathed with yellow metal to eleven feet at New York in March, 1863, which, together with other additional expenses, at that time amounted to $3,000; making her full value when captured and destroyed $35,000.

E. C. DAVIS,
Marine Inspector for the Boston Associated Board of Underwriters.

E.

I certify this to be a true copy of original charter-party.
GEORGE A. FOLGER.

This charter-party made the 28th day of February, A. D. 18—, between Captain C. P. Weaver, for himself and owners of the bark Union Jack, of Boston, of the burden of 483 tons, or thereabouts, register measurement, now lying in the harbor of New York, of the first part; and George A. Patten, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, do covenant and agree to the freighting and chartering of the said vessel unto the said party of the second part for a voyage from New York to Shanghae, China, on the terms following, that is to say:

1. The said parties of the first part do engage that the said vessel, in and during the said voyage, shall be kept tight, stanch, well fitted, tackled, and provided with every requisite, and with men and provisions necessary for such voyage.

2. The said parties of the first part do further engage that the whole of said vessel (with the exception of the cabin, the deck, and the necessary room for the accommodation of the crew, and the storage of the sails, cable, and provisions) shall be at the sole use and disposal of the said party of the second part during the voyage aforesaid; and that no goods or merchandise whatever shall be laden on board otherwise than from the said party of the second part, or his agent, without his consent, on pain of forfeiture of the amount of freight agreed upon the same.

3. The said parties of the first part do further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandise as the said party of the second part, or his agents, may think proper to ship.

And the said party of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said parties of the first part, does covenant and agree with the said parties of the first part to charter and hire the said vessel as aforesaid, on the terms following, that is to say:

1. The said party of the second part does engage to provide and furnish to said vessel good and sufficient cargo for ballast.

2. The said party of the second part does further engage to pay to the said parties of the first part, or their agent, for the charter or freight of the said vessel during the voyage aforesaid, in manner following, that is to say:

The sum of $3,000 legal-tender notes, or their equivalent, on signing bills of lading in New York, free of all commission or brokerages, that is to say, said sum to be net to them; also $3,000, (Mexican,) less 2½ per cent., free of all commissions or brokerages; that is to say, said sum to be net to them in three days after completion of delivery of cargo in good order, according to bills of lading, bills of lading to be signed without prejudice to charter-party, gross accounts of freight payable in Shanghae by bills of lading, not to be less than $3,000, (Mexican,) or their equivalent.

It is further agreed between the parties to this instrument that the said party of the second part shall be allowed for the loading and discharging of the vessel, at the respective ports aforesaid, lay days as follows, that is to say, remaining, except Sundays, twenty-five lay days in New

York, and ten lay days in Shanghae, unexpired lay days in New York to ensue to benefit of the second part; that is to say, thirty-five remaining, except Sundays, lay days all sound. And in case the vessel is longer detained, the said party of the second part agree to pay to the said party of the first part demurrage at the rate of $35 per day for first five days, and $50 per day, day by day, for every day so detained, provided such detention shall happen by default of the said party of the second part, or his agent.

It is also further understood and agreed that the cargo or cargoes shall be received and delivered alongside of the vessel, within reach of her tackles, or according to the customs at the ports of loading and discharging. It is also further understood and agreed that this charter shall commence when the vessel is ready to receive cargo at the place of lading, and notice thereof is given to the party of the second part or his agent.

To the true performance of all and every of the foregoing covenants and agreements, the said parties of the first part do hereby bind themselves, their heirs, administrators, and assigns, (especially the said parties of the first part, the said vessel, her freight, tackle, and appurtenances; and the said party of the second part the merchandise to be laden on board,) each to the other in the penal sum of $6,000.

In witness whereof the said parties have hereunto interchangeably set their hands and seals, the day and year above written.

GEORGE A. PATTEN.
C. P. WEAVER.

Delivered in the presence of—
JAS. HARTUNNIS.

Received on account of this charter-party, as per agreement therein expressed, $5,000.
$5,000.

C. P. WEAVER.

NEW YORK, *March* 18, 1863.

Received on account of this charter-party, as per agreement therein expressed, Mr. George A. Patten's draft on Messrs. Bull, Baden & Co., of Shanghae, for the sum of $3,000, (Mexican,) less 2½ per cent.
$3,000, (Mexican,) less 2½ per cent.

C. P. WEAVER.

Lay days in New York, nineteen, leaving sixteen remaining lay days, Sundays excepted, to be used in Shanghae.

GEORGE A. PATTEN.
C. P. WEAVER.

One additional lay day having been used in New York, making twenty ay days in all, leaving fifteen remaining lay days, Sundays excepted, to be used in Shanghae.

GEORGE A. PATTEN.
C. P. WEAVER.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, certify the foregoing to be a true and exact copy of an original bill of lading now before me.

In testimony whereof I have hereunto set my hand and notarial seal, at Boston, this 23d day of July, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

F.

Property on board bark Union Jack, belonging to Charles P. Weaver, together with expenses incurred, and loss experienced in consequence of the destruction of said bark by the confederate steamer Alabama:

Nautical instruments		$450
Nautical books		100
Nautical charts		125
Private library		150
Clothing for self		175
Clothing for wife and children		200
		1,200
Ship stores:		
Fifteen barrels beef	$225	
Ten barrels pork	150	
Twenty-five barrels flour	250	
Four thousand pounds bread	190	
Small stores	385	
		1,200
Expenses of passage and other amounts, coming home, 45*l.* and exchange		320
Loss by breaking up of business and destruction of vessel and other property		5,000
		7,720

C. P. WEAVER.

BOSTON, *July* 23, 1863.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Before me, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Charles P. Weaver, and made solemn oath of the loss of property as set forth in the foregoing statement, and in the manner as set forth in the accompanying declaration.

In testimony whereof I have hereunto set my hand and notarial seal, at Boston, this 23d day of July, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

Mr. Jones to Mr. Seward.

OFFICE OF THE ATLANTIC MUTUAL INSURANCE COMPANY,
New York, October 1, 1863.

SIR: I inclose herewith, to be filed, proofs of loss in the case of the ship Brilliant, as follows:

1. The protest;
2. Freight list;
3. Assignment to this company of the claim for damages.

I append thereto a short statement of facts, with a brief claim for damages against the British government.

Should any further proofs be required, I shall be happy to furnish them.

Very respectfully, &c.,

J. D. JONES, *President.*

Protest of George Hagar.

UNITED STATES OF AMERICA,
State of New York, City of New York, ss:

To all people to whom these presents shall come or may concern:

I, Wm. Aug. Walker, a public notary, in and for the county of Queen's and State of New York, by letters patent, under the great seal of said States, duly commissioned and sworn, residing in the said county of Queens, and practising in the city of New York and State aforesaid, send greeting:

Know ye, that on the 17th day of October, in the year of our Lord, 1862, before me appeared George Hagar, master of the ship called the Brilliant, of New York, and noted in due form of law with me, the said notary, this protest for the uses and purposes hereafter mentioned, and now on this day, to wit, the day of the date hereof, before me the said notary, at the city of New York aforesaid, again comes the said Hagar, and requires me to extend his protest, and, together with the said Hagar, also comes Hamilton Bingham, first officer, belonging to the aforesaid vessel, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily, freely and solemnly do declare and depose as follows, that is to say, that on the 13th day of September last he, the said Hagar, set sail and departed in and with the said vessel, as master thereof, from New York, having on board the said vessel a cargo of grain, flour, &c., and bound for the port of London; that the said vessel was then stout, stanch and strong; had her cargo well and sufficiently stowed and secured; was well masted, manned, tackled, victualled, appareled and appointed, and was in every respect fit for sea and the voyage she was about to undertake. Got under way on the day of the date above mentioned, and in tow of a steamer and in charge of a pilot proceeded to sea. At 10 a. m. were outside Sandy Hook, discharged the pilot and steamboat, and made sail, wind north, and cloudy, threatening weather. Pursued the voyage from this date with variable winds and weather, making and trimming sail as occasion required, the pumps being properly attended to, the ship's company being engaged in the usual routine of duty, and without any occurrence worthy of especial mention herein, until October 3d, which day comes in with strong breezes and cloudy weather, wind from the northeast and squally, at midnight the same, at daylight more moderate, made sail; a large ship in sight to windward and standing on the same tack as ourselves, about a mile distant. This ship we afterwards learned to be Emily Farnham, of Portsmouth, New Hampshire, bound to Liverpool, from New York. At 8 a. m. saw a steamer on the weather bow, about five miles distant, heading to the westward. At 9 a. m. she hoisted the St. George's Cross and fired a gun for the Emily Farnham to heave-to, and immediately afterwards hoisted the flag of the so-called Confederate States of America. The ship hove-to, and a boat from the steamer was sent to board her; the steamer then wore round and made all sail in chase of us. During this time we had all sail set and were making every effort to escape. The steamer gained on us, and at 11.30 a. m. she had gained enough to bring us within range. She then fired a gun for us to heave-to. We did so, when she sent a boat aboard of us with two officers and a boat's crew all armed. The boarding officer demanded the surrender of our papers, and claimed us a prize to the confederate steamer Alabama, Captain Semmes. Captain Hagar was then ordered to go on board the steamer with all the ship's papers, which he did, and on his arrival there was ordered into

the cabin. There, himself and his papers were examined by the captain of the steamer, who decided that the cargo was not on foreign account, because there appeared nothing in the ship's papers to prove it, though this deponent, George Hagar, earnestly protested that it undoubtedly was, and claimed for it protection on that account, but without avail; and he was peremptorily ordered to sign a document naming the owners of the ship and declaring that he had no knowledge of the cargo being on foreign account, after doing which he was ordered on board his vessel to assist with his crew in getting out the ship's boats and such stores and cargo as the confederate captain wanted for the use of his steamer; and further orders were given to bring out one bag of clothes for each man of the crew, at the same time saying that they were going to burn the ship. Himself and crew being prisoners and under guard, were compelled to do as they were ordered, after which they went alongside the steamer, from whence they were transferred, together with the captains and crews of several vessels previously captured and destoyed by the steamer, to the ship Emily Farnham, which vessel lay hove-to a few cables' length distant, having been captured as hereinbefore mentioned, and whose captain was at that time on board the steamer undergoing examination with his papers. The result of that examination was that the cargo of the Emily Farnham being admitted to be the property of English subjects, that ship and cargo were released from custody. On board the Emily Farnham these deponents, together with the balance of the crew, were ordered and compelled to sign a parole under threats of irons and imprisonment if they refused.

During all this time the crew of the Alabama were busy plundering the Brilliant of everything that time would allow them to carry away. At 6 p. m. the ship Brilliant was set on fire, and at 7 o'clock, from the deck of the Emily Farnham, we saw her enveloped in flames. She continued to burn all night; and at daylight we saw another ship near the wreck, no doubt attracted by the light, and the steamer standing for her; a light breeze sprang up and we lost sight of both vessels during the morning. The Emily Farnham proceeded on her course towards Liverpool, and on the 6th following spoke the brig Golden Lead, of Thomaston, Maine, bound from the Island of Jersey to New York, the master of which vessel kindly took these deponents and several others on board his vessel and brought us to New York, where we arrived on the 16th instant; the balance of the Brilliant's crew proceeded towards Liverpool, in the Emily Farnham. And these deponents further state that when ordered by the captain of the confederate steamer to do the several acts hereinbefore related, they were threatened with irons and imprisonment if they refused to comply. And the said master further says, that as all the damage and injury which already has or may hereafter appear to have happened or occurred to the said vessel or her said cargo has been occasioned solely by the circumstances hereinbefore stated, and cannot and ought not be attributed to any insufficiency of the said vessel or default of him, this deponent, his officers, or crew, he now requires me, the said notary, to make his protest and this public act thereof that the same may serve and be of full force and value as of right shall appertain.

And therefore the said master doth protest, and I, the said notary, at his special instance and request, do by these presents publicly and solemnly protest against winds, weathers, and seas, and against all and every accident, matter, and thing had and met with as aforesaid, whereby, or by means whereof, the said vessel or her cargo already has, or hereafter shall appear to have suffered or sustained damage orinjury, for all losses, costs, charges, expenses, damages, and injury which the master,

owner, or owners of the said vessel, or the owners, freighters, or shippers of her said cargo, or any other person or persons interested or concerned, and either already have or may hereafter pay, sustain, incur, or be put upon, by or on account of the premises, or for which the insurer or insurers of the said vessel, or her cargo, is or are respectively liable to pay or make contribution or average according to custom, on their respective contracts or obligations; and that no part of such losses and expenses already incurred, or hereafter to be incurred, do fall on him, the said master, his officers, or crew.

Thus done and protested in the city of New York, the 18th day of October, 1862.

In testimony whereof, as well the said appearers as I, the notary, have subscribed these presents, and I have also caused my seal of office to be hereunto affixed the day and year last above written.

GEORGE HAGAR, *Master.*
HAMILTON BINGHAM, *First Mate.*

WM. AUG. WALKER, *Notary Public.*

CITY AND COUNTY OF NEW YORK, *ss*:

I, William Aug. Walker, a public notary in and for the county of Queens and State of New York, duly commissioned and sworn, and dwelling in said county, do hereby certify the foregoing to be a true and exact copy of an original protest on record in my office in the city of New York.

In testimony whereof, I have hereunto set my hand and seal, October 20, 1862.

WM. AUG. WALKER.

Manifest and freight list of American ship Brilliant, Captain George Hagar, from New York for London.

No. bills lading.	Marks.	No.	Packages.	Weight.	Measure.	Rate of freight, sterling.	Freight.	Primage.	Shippers.	Consignees.	Total freight.
				Lbs.	*Gals.*		£ *s.* *d.*	£ *s.* *d.*			£ *s.* *d.*
1	J.G.	....	37 casks lard oil	.....	6,088	45*s.* pr. ton 252 gal.	54 7 2	2 14 4	Amos Bigland	Order	57 1 6
2	(C)	....	85 bbls. of flour	.....	.....	4*s.* 6*d.* per bbl.	19 2 6	0 19 2	Richard C. Gurney	..do	20 1 8
3	L	....	500 bbls. of flour	.....	.....	4*s.* 6*d.* per bbl.	112 10 0	5 12 6	Sam'l C. Paxton, Sons, & Co.	..do	118 2 6
4	(R) H	1-25	25 hhds. tallow	31,052	.....	45*s.* per ton	31 3 10	1 11 2	Ruprecht & Forstner	Rosing Brothers & Co.	32 15 0
5	(C)	....	200 bbls. zinc oxide	48,400	.....	45*s.* per ton	51 6 4	2 11 4	John Jewett & Sons	Lehigh Zinc Company.	53 17 8
6	L	....	1,714 bgs, cont'g 4,879 bu. wheat	.....	.....	14*d.* per bbl.	284 12 2	14 4 7	Mark Mandeluck & Co	Order	298 16 9
7	(T)	....	921 do. 2,434 40-60..do	.....	.....	14*d.* per bbl.	147 17 1	7 7 10	.....do	..do	155 4 11
8	D	....	146 do. 418 52-60..do	.....	.....	14*d.* per bbl.	24 8 8	1 4 5	.....do	..do	25 13 1
9	N	....	2,339 do. 6,607 39-60..do	.....	.....	14*d.* per bbl.	385 8 11	19 5 5	Knauth, Nachod & Kuhne	W. Brandts, Sons & Co.	404 14 4
10	"3" "19"	....	2,293 do. 6,568 17-60..do	.....	.....	14*d.* per bbl.	383 3 0	19 3 2	Ferdinand F. Dufais	Order	402 6 2
11	(L) (S)	....	43 tierces beef	.....	.....	9*s.* per tierce	19 7 0	0 19 4	Thomas Lockhardt	..do	20 6 4
12	Various.	....	30 bx. bacon, 9 hhds. pork'hds.	22,695	.....	45*s.* per ton	22 15 11				
	(T)	....	8 tierces middles	.....	.....	9*s.* 9*d.* per ton	3 12 0	1 19 10	.....do	..do	36 11 9
		....	26 bbls. middles	.....	.....	6*s.* 6*d.* per ton	8 9 0				
13	(A)	....	50 bbls. lard oil	.....	2,018½	45*s.* per ton	18 0 5	0 18 0	Mason & Wilkie	..do	18 18 5
14	(H) H	....	100 bbls. flour	.....	.....	4*s.* 6*d.* per bbl.	22 10 0	1 2 6	W. W. Smith & Co	..do	23 12 6
15	(X)	....	796 bbls. flour	.....	.....	4*s.* 6*d.* per bbl.	179 2 0	8 19 1	Munzinger & Pitzspice	Roderanchi, Sons & Co.	188 1 1
16	J. M. C. M. C. & M. P.	....	242 bags corn	.....	.....	50*s.* per ton	41 5 6	2 1 3	H. Sautler & Wierum	Edmund Schluser & Co.	43 6 9
17	H	....	2,324 bgs, cont'g 6,604 7-14 bu. w't.	.....	.....	14*s.* 4*d.* per bush.	399 0 0	19 19 0	Harmony, Nephew, & Co	Cavan, Lubbock & Co.	418 19 0
18	(5)	....	2,000 bbls. flour	.....	.....	4*s.* 6*d.* per bbl.	450 0 0	22 10 0	.....do	C. de Municha & Co.	472 10 0
19	(C)	....	4 casks zinc oxide	3,651	.....	47*s.* 6*d.* per ton	3 17 5	0 3 12	John Jewett & Sons	Lehigh Zinc Co	4 1 3
20		....	7,000 2-10 hhd. staves	.....	.....	70*s.* per 1,000	25 4 0	1 5 3	Dutton & Townsend	Order	26 9 3
21	"21"	....	968 bags cont'g 2,846 bu. wheat	.....	.....	14½*d.* per bag	171 19 1	8 11 11	H. L. Routh & Sons	Shippers' order	100 11 0
22	Various.	....	1,750 bbls. flour	.....	.....	4*s.* 6*d.* per bbl.	393 15 0	19 13 9	A. H. Solomon	J. Brandon & Co	413 8 9
							3,252 17 0	162 12 8			3,415 9 8

NEW YORK, *September* 10, 1862.

FUNCH, MEINKE & WENDT,
For AXEL GODECKE.

Agreement.

These presents, made and concluded the 22d day of October, 1862, between J. Atkins & Co. of the first part, and the Atlantic Mutual Insurance Company of the second part:

Whereas, by a certain special policy of insurance, No. 5,574, bearing date September 13, 1862, the said party of the second part became the assurers of the said party of the first part, upon the freight, the good ship called the Brilliant, whereof ——— was master, ——— New York to London.

And whereas detriment and loss having occurred to the said insured property, by reason of some of the perils in the said policy mentioned or described, the said party of the first part hath ceded and abandoned to the said party of the second part the said insured property, and all the right, title, interest, claim, and demand of ———, the said party of the first part, of, in, and to the same. And whereas the said party of the second part have accepted the said cession and abandonment, and have, therefore, paid to the said party of the first part the sum of $18,000, in full satisfaction of the sum by the said policy insured, and of all things in the said policy contained, on the part of the said company to be performed. Now, therefore, this indenture witnesseth: That the said party of the first part, in consideration of the said sum of $18,000, so as aforesaid paid to ——— by the said party of the second part, the receipt whereof is hereby acknowledged, hath bargained, sold, assigned, transferred, ceded, abandoned, and set over, and by these presents doth bargain, sell, assign, transfer, cede, abandon, and set over unto the said party of the second part, and their successors and assigns, the aforesaid freight, and all the right, title, interest, trust, claim, and demand of the said party of the first part, therein and thereto.

To have and to hold, recover, receive, and take the same freight unto the said party of the second part to the only proper use and benefit of the said party of the second part, and their successors, of and from all actions and suits, and causes of actions and suits, promises, agreements, losses, damages, charges, expenses, costs, claims, and demands whatsoever, both at law and in equity, by reason or in virtue of the policy of insurance herein above-mentioned. And the better to enable the said party of the second part to recover and receive the hereby assigned and ceded premises, the said party of the first part hath made, ordained, constituted, and appointed, and by these presents doth make, ordain, constitute, and appoint the said party of the second part, and their successors, the attorneys irrevocable of the said party of the first part, in the name of the said party of the first part, but to and for the proper use and benefit of the said party of the second part, and their successors and assigns, by all lawful ways and means to ask, demand, sue for, and recover and receive the said freight, and all moneys thence arising; and all damages of and concerning the same, of and from all and every king, prince, potentate, state, person or persons whatsoever, and for the purposes aforesaid, in the name or on behalf of the said party of the first part, but at the proper costs and charges of the said party of the second part, and their successors and assigns, to appear, prosecute, and plead in all courts and places whatsoever. And all suits, disputes, or differences in any wise respecting the promises to conform and agree, or refer to arbitration, upon such terms and principles, and in such manner and form, as to the said party of the second part, and their successors and assigns, shall appear fit and expedient. And all

needful acquittance, discharges, receipts, deeds, and writings touching the premises, in the name, place, and stead of the said party of the first part, from time to time, to make, execute, and deliver, and generally to do and perform all lawful acts, matters, and things whatsoever touching the premises in as full and ample a manner as the said party of the first part, if personally present, might or could do, or as if more special authority were given them. And one or more attorney or attorneys under them, the said party of the second part, for the purposes aforesaid, from time to time, appoint, and at their pleasure revoke.

In witness whereof, the said party of the first part hath to these presents set his hand and seal, and the said party of the second part have also to these presents caused their seal to be affixed, and the same to be subscribed by their president or their vice-president, and countersigned by their secretary, on the day and in the year first above written.

J. ATKINS.

Signed and delivered in the presence of—
E. H. DAVIS.

SHIP BRILLIANT—STATEMENT OF FACTS.

Ship sailed from New York, September 13, 1862, bound to London, loaded with flour, grain, &c.

The freight, valued at $18,000, was insured in the Atlantic Mutual Insurance Company, of New York. On the 3d day of October, the Brilliant was captured by the steamer Alabama, Semmes, captain, and burned. The Alabama, while pursuing the Brilliant, carried the confederate flag.

The owners of the freight, on payment of the subscription under the policy, assigned and set over all claims of loss of freight to the insurance company.

Claim.

The Atlantic Mutual Insurance Company claim that the English government should make good to them the damage they have sustained as per above; for that in violation of international law, they, being neutral, have permitted the Alabama to be built and equipped in their ports for one belligerent to be used in cruising against the commerce of another.

Messrs. Atkins & Co. to Mr. Seward.

NEW YORK, *September* —, 1863.

SIR: We respectfully lay before you the inclosed documents:

1. Our memorial in relation to the destruction of the ship Brilliant by a steamer calling herself "the Confederate States man-of-war Alabama."
2. A certified copy of Captain Hagar's marine protest. [Printed, *ante.*]
3. A certified copy of ship's register.
4. A certified copy of the crew list. } [Not printed.]
5. Affidavit of Captain Hagar.

These documents prove that the ship was destroyed by fire; that she is an American ship, and she was sailing according to the laws of the United States.

We respectfully ask that such action may be taken in the premises as shall seem, in your judgment, to recover from her Britannic Majesty's government $75,000 for the loss of our ship, and 3,415*l.* 9*s.* 8*d.* sterling, the amount of freight she had on board, according to the freight list.

We are, &c.,

JOSHUA ATKINS & CO.

To the Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.:

The memorial of Joshua Atkins and Edwin Atkins, co-partners, merchants, and citizens of the United States, residing in the city of Brooklyn, respectfully represents: That they, together with George Hagar, master mariner, of Boston, Massachusetts, also a citizen of the United States, are sole owners of the late ship Brilliant, of New York.

That the said ship Brilliant, being a legally registered American vessel, equipped according to the laws of the United States, sailed from the port of New York on the 13th September, 1862, laden with a cargo consisting of grain, flour, &c., bound to the port of London, in Great Britain.

The said cargo belonged to various shippers, and each bill of lading had indorsed on it "on foreign account," and the undersigned had no personal interest therein other than the customary lien for the freight thereof.

That on the 3d October following she had proceeded on her voyage as far as latitude 40° north, longitude 50° 30′ west, when she was boarded and declared to be a prize to a vessel calling herself "the Confederate States man-of-war steamer Alabama," who immediately took possession of said ship against the strong and often repeated remonstrances of George Hagar, aforesaid, her master on the voyage; and by order of one calling himself the captain of said steamer, (Semmes,) there were taken from the ship Brilliant sundry boats, and such stores and cargo as the so-called captain wanted for the use of his vessel; and the confederate crew plundered everything that time would allow them to carry away. That Captain Hagar, his officers and crew, were ordered to leave their ship, and were put on board the ship Emily Farnham, which vessel lay hove-to a few cables' length from the said steamer Alabama a prize to her.

At 6 o'clock p. m. the said ship Brilliant was set on fire by order of the said Semmes, and was totally destroyed with all on board.

The ship Emily Farnham was released, and proceeded on her course to Liverpool, whither she was bound, but on the 6th October Captain Hagar, his officers, and part of his crew were transferred to another vessel, spoken at sea, bound to this port, and were landed in New York on 16th of same month.

And now we, Joshua Atkins and William Atkins, and on behalf of George Hagar, sole owner of said ship, do enter our solemn protest against the destruction thereof, and do by these presents demand of the government of Great Britain full reparation for the same, in the sum of $75,000 of the coin of the United States, being the value of said ship, and 3,415*l.* 9*s.* 8*d.* sterling, the amount of freight she had on board at the time of her destruction.

Your memorialists would further represent that they make and predicate this protest and demand upon the facts therein stated, which can be verified whenever it shall be found necessary so to do. Said vessel,

calling herself "the Confederate States man-of-war Alabama," is an English vessel, and no other. She was built at the port of Birkenhead, and was allowed to leave British waters, although information as to her character, and the intention to use her as a privateer to prey upon the commerce of the United States, then and now at peace with Great Britain, was lodged with the British government. That said steamer Alabama (then called the 290) was allowed to leave said waters upon giving a bond to return, which it was well known was intended to be forfeited. That she did leave the waters of Great Britain the latter part of July, 1862, under the protection of the British flag, and manned by British subjects. That had the American man-of-war Tuscarora, or any other legally authorized man-of-war of the United States, seized her after leaving said British waters, she would have claimed her British ownership, and her flag, as her protection. But said steamer was allowed to leave port under the pretence of making a trial trip, and has never been in any port of the so-called Confederate States so as to change her flag, or to be otherwise than a British vessel.

Your memorialists would further represent that said steamer, after thus fraudulently leaving the port of Great Britain against the Queen's proclamation of neutrality, repeatedly visited or came within the jurisdiction of certain British islands in the Atlantic Ocean, when and where it was well known, and patent to the world, that she had destroyed American vessels on the high seas, and instead of being seized and detained by the British government, as they were in duty bound to do, was allowed every facility for obtaining supplies and advice, and to resume her piratical cruise; that no examination was ever made by said British government, through their constituted agents and officers, as to the manning of said steamer by British subjects, or of the prostitution of the British flag, by thus giving protection to the piracies committed under its folds; and that she was and has continued to be, until after the capture of your memorialist's ship, principally manned by said British subjects.

In view of these matters, and of others which may be made to appear, your memorialists do now and forever enter their solemn protest against the British government and people, as willing parties, negligently culpable in the destruction of their property upon the high seas, and thus, in fact, violating the proclamation of the Queen by building and manning said steamer, and then allowing her to continue her depredations.

And they ask, through the government of the United States, that a proper representation may be made of their loss, that in the end due reparation may be made to them by the said government of Great Britain, or that the government of the United States may assume the same as one of the governmental obligations to protect the rights of their citizens thus wantonly violated.

And, as in duty bound, will ever pray.

JOSHUA ATKINS.
EDWIN ATKINS.

UNITED STATES OF AMERICA,
State of New York, ss:

By this public instrument be it known to all whom the same doth or may in anywise concern, that I, William Aug. Walker, a public notary in and for the county of Queens, and State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and residing in the county of Queens, do hereby certify that the annexed

is a true and correct copy of the original affidavit on file in my office in the city of New York.

In testimony whereof I have subscribed my name and caused my notarial seal to be affixed, November 8, 1862.

WM. AUG. WALKER,
Notary Public.

CITY AND COUNTY OF NEW YORK,
State of New York, ss:

On the day of the date hereof, before me, William Aug. Walker, a public notary in and for the State of New York, duly and by lawful authority admitted, commissioned, and sworn, personally appeared George Hagar, who, being by me duly sworn, deposes and says, that he was master of the ship Brilliant, of New York, on her late undertaken voyage to London when she was captured by the English or confederate steamer Alabama, or 290, and burned, a more particular account of which will be found in his protest extended before William Aug. Walker, notary public, in the city of New York, under date of 18th day of October last past, in which it is stated that this deponent "was peremptorily ordered to sign a document naming the owners of the ship, and declaring that he had no knowledge of the cargo being on foreign account; that though he was compelled to sign this document, he nevertheless called the attention of the master of the steamer to the fact that the ship's bills of lading were indorsed on foreign account"—meaning that the cargo belonged to citizens of foreign states—and protested against the destruction of his ship and cargo for that reason, but no notice was taken of it by the master of the steamer, who would not listen to the earnest entreaties of this deponent to spare his ship and cargo; and when this deponent again told the master of the steamer that the bills of lading were indorsed "on foreign account," he replied to this deponent in the following language: "That is the second time you have told me that; do you suppose me to be a d——d fool?" That the manner of the master of the steamer was overbearing and insolent in the extreme; and it was at great risk of the personal safety, if not of the life, of the deponent, that he so strenuously insisted upon his ship and cargo being released. That he did so, nevertheless, and was threatened with irons and imprisonment to intimidate him. That when he signed the document to which reference has been made herein, to the effect that he had no knowledge of the cargo being on foreign account, he said at that time to the captain of the steamer that though he had no actual knowledge as to that, but believed it was because such was indorsed on the face of the bills of lading; and in reply to this the master of the steamer told this deponent that there was no consular certificate to that effect; that he wanted none of his suppositions, he wanted facts only.

GEORGE HAGAR.

Sworn to before me this 8th day of November, 1862. In testimony whereof I have hereunto set my hand and seal.

WM. AUG. WALKER,
Notary Public.

On the day and year first above written, also appeared before me Hamilton Bingham, who, being duly sworn, deposes and says, that he was first mate of the aforesaid ship Brilliant on the said voyage; that he has read the contents of the foregoing affidavit of the master, and that the same is true and correct to the best of his knowledge and belief,

always excepting such stated conversations as occurred between Captain Hagar and the captain of the confederate steamer not held in the presence of this deponent.

HAMILTON BINGHAM.

Sworn to before me November 8, 1862. In testimony whereof I have hereunto set my hand and seal of office.

WM. AUG. WALKER,
Notary Public.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I have had the honor to receive your letter of the 23d instant. In that letter you inform me that you are instructed to say that the government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the Alabama. But towards the conclusion of your letter you state that the government of the United States are not disposed to act dogmatically, or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must grow up from the divergence of the policy of the two countries in regard to the present insurrection. You add further on that the United States frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. With this declaration her Majesty's government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the Alabama may, in the opinion of the government of the United States, usefully be undertaken.

In the mean time I must request you to believe that the principle contended for by her Majesty's government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 15th of May of that year. But the British government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British courts, and there commission, equip, and man her as a vessel of war.

Her Majesty's government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add, that it appears strange that, notwithstanding the large and powerful naval force possessed by the government of the United States, no efficient measures have been taken by that government to capture the Alabama.

On our part I must declare that to perform the duties of neutrality fairly and impartially, and at the same time to maintain the spirit of British law, and protect the lawful industry of the Queen's subjects, is the object of her Majesty's government, and they trust that the government of the United States will recognise their earnest desire to preserve,

in the difficult circumstances of the present time, the relations of amity between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

RUSSELL.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 530.] LEGATION OF THE UNITED STATES,
London, November 5, 1863.

SIR: * * * * * * * *

In relation to the extraordinary proceedings of the Alabama at Cape Town, reported in my dispatch No. 505, of the 1st of October, probably one of those detained by the accident which happened to the Africa, I have now received from Lord Russell a reply to my representation. A copy of his note is transmitted, as well as of my acknowledgment of it. I presume the assurances to be given to you through Lord Lyons are intended to be satisfactory. I am not unwilling to be relieved of the necessity of arguing here a new question, which adds another heavy responsibility to those already incurred by this government from its feeble and fluctuating policy. It is alleged in the newspapers that a portion of the merchandise taken in the captured vessel was actually sold by the commander of the Alabama at Cape Town. This would seem to involve a question of restoration. I do not perceive that Lord Russell alludes to this. Perhaps it was not necessary, as I think there was no reference to it in the consul's representation, upon which my first note was based.

Since writing the above I have received a letter from Mr. Graham, the consul at Cape Town, a copy of which, at his request, I transmit. It appears to establish the fact that the governor considered the sale of captured property as not prohibited by the Queen's proclamation. Hence it is scarcely to be doubted that such sales were actually made. I shall write to Mr. Graham to obtain, in some form or other, the evidence to which he refers, and send it to the department.

Judge Pringle has likewise sent to me a supplement to the Cape Town Advertiser of the 19th of September last, containing the private journal of an officer of the Alabama, giving a full account of all her operations from the commencement. It goes far to corroborate the statement of the paymaster, Mr. Yonge, who was one of the principal witnesses in the case of the Alexandra. Although not available as evidence, I shall cause it to be reprinted here and send copies to the attorney general and other parties, who may be open to further conviction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For the private journal of the officer of the Alabama see General Appendix, No. 7.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 29, 1863.

SIR: I acquainted you in my letter of the 2d instant that the matter connected with the proceedings of the confederate steamer Alabama at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of her Majesty's government.

Those matters were the capture by the Alabama of the United States vessel Sea Bride within, as was alleged, the territorial jurisdiction of Great Britain; secondly, the character of the Alabama herself; thirdly, the manner in which the Tuscaloosa, alleged to be a tender of the Alabama, was dealt with by the authorities of the cape. On these several points I have to state to you—first, that her Majesty's government are satisfied, by the concurrent testimony of the colonial and naval authorities at the cape, that at the time of capture the Sea Bride was considerably more than three miles distant from the nearest land; secondly, that as regards the character of the Alabama, that vessel is entitled to be treated as a ship of war belonging to a belligerent power, and that neither the governor nor any other British authority at the cape was entitled to exercise any jurisdiction over her; thirdly, that as regards the Tuscaloosa, although her Majesty's government would have approved the British authorities at the cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenor of her Majesty's orders, be dealt with, was one not altogether free from uncertainty. Nevertheless, instructions will be sent to the British authorities at the cape for their guidance in the event of a similar case occurring hereafter. And her Majesty's government hope that under those instructions nothing will for the future happen to admit of a question being raised as [to] her Majesty's orders having been strictly carried out.

Copies of the reports from the colonial and naval authorities on the matters in question will be sent to her Majesty's minister at Washington, who will thereby be enabled to give to the government of the United States any further explanation they may desire to obtain on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer Alabama at the Cape of Good Hope.

Inasmuch as your lordship intimates that further explanation will be made to my government through the agency of her Majesty's minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, September 26, 1863.

SIR: The Alabama sailed again from Simon's Bay yesterday at three o'clock a. m. I have not had any further intelligence direct from the Vanderbilt, though she is reported as having been seen by one vessel off Cape l'Agulhas on the 22d instant, and by another off Danger Point on the 23d. The latter reported her to be going eastward.

On the 20th instant I sent dispatches for the Vanderbilt, in charge of American seamen going eastward in vessels, to be delivered if spoken; and if not, to be handed to my consular agent at Algoa Bay, or the consul at Mauritius. The bearers were men I could trust, and the dispatches contained the information that the Alabama was here. The dispatches were probably not delivered in time, or the Vanderbilt would have been here before the Alabama sailed. The latter vessel, I believe, has now gone to the coast of Brazil direct.

Fourteen seamen taken prisoners from American ships by the Alabama at different dates, and who subsequently joined her crew to get out of irons, made their escape from her while here, (the last time,) and are now under my protection. Many others also escaped from her at the same time, but as they were British subjects who joined her originally, I would have nothing to do with their support.

I encouraged them, however, to desert and secrete themselves till her departure, and then to claim support from the British authorities here. In furtherance of my object to cripple her for want of men, I visited the governor on the 22d instant, and asked him by what authority the police could arrest deserters from the Alabama in this colony, and he answered, "None whatever." He added that the seamen must not resist any attempt of the police to take them before a magistrate, (in which case I could appear in court,) but they would have the right to resist an attempt to place them in custody of officers of the Alabama.

I immediately informed the men of the decision, and wrote to the captains of the city and water police, informing them that I should hold them responsible in the court for false imprisonment and kidnapping if they attempted to make such arrests. This had the desired effect, as no arrests were made, and the Alabama sailed with about twenty-five men short of her complement.

At the above interview with the governor, he stated that I had been misinformed as to the evidence taken in relation to purchase of prize cargoes, for none had been taken before a magistrate, as I had assumed.

I then stated to him the substance of the information I had received, and handed him the names of the six witnesses whose depositions I desired should now be taken under his authority. He declined, however, to give his authority for the examination, alleging that the purchase of prize cargoes was not distinctly forbidden in the Queen's proclamation. I endeavored to show, in reply, that as the proclamation forbade the entry of captured vessels into British ports, it was intended that British subjects should have nothing to do with them; but this argument failing to persuade him to authorize the examination, the interview ended.

Please send a copy of this dispatch to Washington, as the *immediate* departure of the French steamer Tigre for Suez leaves me no time to

make a duplicate copy. Inclosed please find list of consular appointments published at my request in the government gazette of yesterday.

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM,
United States Consul for the Cape of Good Hope.

Hon. CHARLES F. ADAMS,
Envoy Extraordinary, &c., &c., London.

Mr. Adams to Mr. Seward.

[Extract.]

No. 533.] LEGATION OF THE UNITED STATES,
London, November 12, 1863.

SIR: I have to acknowledge the reception of dispatches numbered from 738 to 746, inclusive, and of two notes of the 26th of October, one marked private, and the other confidential.

Some of these treat of subjects the condition of which has been essentially modified by events which have happened on this side since the date of your writing. I refer more particularly to Nos. 739, 740, and 743. The note of Lord Russell to me of the 29th ultimo, transmitted with my dispatch No. 530, of last week, implies an intention to make explanations through Lord Lyons in regard to the transactions at Cape Town, which must have the effect of retaining the discussion of them altogether in your own hands. I shall so regard the matter until further advice. I propose, however, to send to him a copy of the journal of the officer of the Alabama, which I have caused to be reprinted from the South African Advertiser and Mail, of Cape Town, in a form for circulation among leading persons here. A number of these will be transmitted to you in the bag that carries this dispatch.

* * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Dispatch No. 740 will be found printed under "Enforcement of Neutrality," "General Subject," Vol. I, p. 606. For private journal of the officer of the Alabama see General Appendix, No. 7.]

Mr. Adams to Mr. Seward.

No. 540.] LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: I transmitted a copy of the pamphlet mentioned in my dispatch of last week, No. 533, of 12th November, to Lord Russell, with a note, calling his attention to the fact that the author is a British subject, who was enlisted in England in an unlawful enterprise. His lordship has acknowledged the reception of both. Copies of the notes are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

MY LORD: I have the honor to transmit a printed copy of the private journal of an officer of the steamer Alabama, which seems to have been furnished by the author for publication in the South African Advertiser and Mail, at Cape Town, in which newspaper it first appeared on the 19th of September last. The author appears to be G. T. Fullam, a British subject, belonging to Hull. I beg permission to call your lordship's attention to the remarkable manner in which the narrative corroborates the essential portions of the deposition of C. R. Yonge, heretofore submitted to your consideration, some attempts to invalidate which were made in the course of the trial of the Alexandra. It likewise confirms, in almost every particular, the correctness of the representations which I had the honor to furnish from the consul of the United States at Liverpool, of the mode in which the gunboat 290 was originally equipped, fitted out and armed from that port.

I likewise pray your lordship's attention to the abuse shown to be continually made of the national character of this vessel, in the fraudulent assumption of the flag or of the name of any other nation, at pleasure, whilst on the high seas. I need scarcely say that such a license to cover piratical depredations has only been obtained for her by the recognition given to the parties in America authorizing it, as a belligerent, abiding by the established rules of legitimate warfare.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[For pamphlet transmitted see General Appendix, No. 7.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, and its inclosure, respecting the proceedings of the Alabama.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 766.] DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your dispatch of November 5 (No. 530) has been received, together with its inclosures, which relate chiefly to the depredations committed by the pirate Alabama near to the Cape of Good Hope. The dispatch also alluded to the complaint of our consul at that port con-

cerning the Tuscaloosa, while it advises us of your having submitted to Earl Russell the claims for indemnity for precedent depredations committed by the Alabama.

The latter proceeding is approved. Earl Russell having now authorised Lord Lyons to confer with me concerning transactions which occurred at the Cape of Good Hope, I shall reserve the whole of this subject for discussion in that conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[From British Blue Book, "North America," No. 6, 1864, p. 18.]

No. 7.

Mr. Elliot to Mr. Hammond.

[Extract.]

DOWNING STREET, *December* 9, 1863.

I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, a copy of a dispatch which his grace has addressed to the governor of the cape.

[Inclosure.]

The Duke of Newcastle to Sir P. Wodehouse.

DOWNING STREET, *November* 4, 1863.

SIR: I have received your dispatch of the 19th August last, submitting for my consideration various questions arising out of the proceedings at the Cape of Good Hope of the confederate vessels Georgia, Alabama, and her reputed tender the Tuscaloosa.

I will now proceed to convey you the views of her Majesty's government on these questions.

The capture of the Sea Bride by the Alabama is stated to have been effected beyond the distance of three miles from the shore, *which distance must be accepted as the limit of territorial jurisdiction* according to the present rule of international law upon that subject. It appears, however, that the prize, very soon after her capture, was brought within the distance of two miles from the shore; and as this is contrary to her Majesty's orders, it might have afforded just grounds (if the apology of Captain Semmes for this improper act, which he ascribed to inadvertence, had not been accepted by you) for the interference of the colonial authorities upon the principles which I am about to explain.

With respect to the Alabama herself, it is clear that neither you nor any other authority at the cape could exercise any jurisdistion over her; and that, *whatever may have been her previous history, you were bound to treat her as a ship of war belonging to a belligerent power.*

With regard to the vessel called the Tuscaloosa, I am advised that this vessel did not lose the character of a prize captured by the Alabama merely because she was, at the time of her being brought within British waters, armed with two small rifled guns, in charge of an officer, and

manned with a crew of ten men from the Alabama, and used as a tender to that vessel under the authority of Captain Semmes.

It would appear that the Tuscaloosa is a bark of five hundred tons, captured by the Alabama, off the coast of Brazil, on the 21st of June last, and brought into Simon's Bay on or before the 7th of August, with her original cargo of wool (itself, as well as the vessel, prize) still on board, and with nothing to give her a warlike character (so far as is stated in the papers before me) except the circumstances already noticed.

Whether, in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent government, without being first brought *infra præsidia* or condemned by a court of prize, the character of prize, within the meaning of her Majesty's orders, would or would not be merged in that of a national ship of war, I am not called upon to explain. It is enough to say that the citation from Mr. Wheaton's book by your attorney general does not appear to me to have any direct bearing upon the question.

Connected with this subject is the question as to the cargoes of captured vessels, which is alluded to at the end of your dispatch. On this point I have to instruct you that her Majesty's orders apply as much to prize cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes, if brought within British jurisdiction not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

I think it right to observe that the third reason alleged by the attorney general for his opinion assumes (though the fact had not been made the subject of any inquiry) that "no means existed for determining whether the ship had or had not been judicially condemned in a court of competent jurisdiction," and the proposition that, "*admitting her to have been captured by a ship of war of the Confederate States*, she was entitled to refer her Majesty's government, in case of any dispute, to the court of her States, in order to satisfy it as to her real character." This assumption, however, is not consistent with her Majesty's undoubted right to determine within her own territory whether her own orders, made in vindication of her own neutrality, have been violated or not.

The question remains what course ought to have been taken by the authorities of the cape—

1st. In order to ascertain whether this vessel was, as alleged by the United States consul, an uncondemned prize brought within British waters in violation of her Majesty's neutrality; and

2d. What ought to have been done if such had appeared to be really the fact.

I think that the allegations of the United States consul ought to have been brought to the knowledge of Captain Semmes while the Tuscaloosa was still within British waters, and that he should have been requested to state whether he did or did not admit the facts to be as alleged. He should also have been called upon (unless the facts were admitted) to produce the Tuscaloosa's papers. *If the result of these inquiries had been to prove that the vessel was really an uncondemned prize, brought into British waters in violation of her Majesty's orders made for the purpose of maintaininy her neutrality, I consider that the mode of proceeding in such circumstances, most consistent with her Majesty's dignity, and most proper for the vindication of her territorial rights, would have been to prohibit the exercise*

of any further control over the Tuscaloosa by the captors, and to retain that vessel under her Majesty's control and jurisdiction until properly reclaimed by her original owners.

I have, &c.,

NEWCASTLE.

Mr. F. W. Seward to Mr. Adams.

No. 792.] DEPARTMENT OF STATE,
Washington, December 28, 1863.

SIR: I transmit herewith a copy of a letter of the 16th instant, and of the documents which accompanied it, from Elisha H. Ryder, esq., of Boston, relative to the claim of the owners of the bark Sea Bride, of that city, against the British government.

I also transmit a copy of a letter of the 17th instant, from Messrs. Rufus Greene & Co., of Providence, Rhode Island, and of the papers therein referred to, setting forth their claim on account of the capture, seizure, and loss of the cargo of the same vessel.

It is affirmed, in the accompanying depositions, that the Sea Bride was captured within the maritime jurisdiction of Great Britain, in Table Bay, at the Cape of Good Hope, by the piratical vessel Alabama, and it is presumed that, if this be not disproved, her Britannic Majesty's government will not hesitate to accord that full reparation for all the losses accruing to citizens of the United States, from this lawless proceeding, which is justly due to them. But even if the capture had not been made within the jurisdiction of Great Britain, it is nevertheless claimed by the United States, as set forth in the instructions addressed to you on the 6th of October last, No. 730, that her Majesty's government is bound to indemnify the parties in question.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For inclosures see dispatch from Mr. Adams to Mr. Seward, No. 581, dated January 22, 1864, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 576.] LEGATION OF THE UNITED STATES,
London, January 15, 1864.

SIR: * * * * * * * *

At the same time I forward a copy of a note addressed by me to his lordship on the 13th instant, with copies of a letter from Mr. Dudley of the 11th and several additional depositions relating to the shipment and payment of men at Liverpool, to serve on the piratical vessel No. 290, *alias* the Alabama.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 13, 1864.

MY LORD: I pray your attention to copies of a letter of the consul of the United States at Liverpool, and of three depositions, all going cumulatively to prove the manner in which the neutrality of her Majesty's realm has been abused by some of her subjects, for the purpose of carrying on war against the United States. I have every reason to suppose that these proceedings are continued without material diminution.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE
Liverpool, January 11, 1864.

SIR: I beg to call your attention to copies of three affidavits—one of John Latham; another of his wife, Martha Latham; and the other that of Thomas Winstinley—inclosed.

It is a well-known fact that the steamer Alabama, which was built and fitted out at this port, and manned by British seamen, regularly receives her coal and supplies from this country, and that the families of the men now serving on board are paid once a month here in Liverpool by M. G. Klingender & Co., and Fraser, Trenholm & Co., the one-half part of the wages earned by the men on board this vessel. John Latham, of Swansea, in Wales, was one of the men who enlisted on said steamer. During the time of his service on board, his wife, Martha Latham, received regularly each month the one-half part of his wages, which was sent to her by M. G. Klingender & Co., of 22 Water street, Liverpool. The money was transmitted in post office orders. The letters in which this money was sent are annexed to her affidavit, and copies inclosed to you. At the time of enlisting Mr. Latham received a bounty. He sent £5 of this to his wife by Captain James D. Bullock. This £5 was paid to Thomas Winstinley for her at Fraser, Trenholm & Co.'s office, by their cashier.

I regard these affidavits as important, to show the character and nationality (if she has any) of this vessel, which, built in England, fitted out in England, armed with English guns and manned by English seamen, supplied with coal and other necessaries while cruising from England in English vessels, by English merchants, and the wages earned by the men while serving on board paid here in Liverpool by these same merchants to their wives and families residing here, stamp her, it seems to me, if anything can, as an English piratical craft.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

HON. CHARLES FRANCIS ADAMS,
United States Minister.

Deposition of John Latham.

I, John Latham, of 36 Jasper street, Liverpool, in the county of Lancaster, engineer, make oath and say as follows:

1. About the 8th or 10th of August, 1862, I signed articles at the Sailors' Home, Liverpool, to ship in the steamship Bahama, Captain Tessier, for a voyage to Nassau and back. The Bahama went out of the Bramley Moore dock the same night, about 12 o'clock, and went into the river and lay to; Captain Semmes, Captain James D. Bullock, and some other officers came on board, and about half-past 7 o'clock a. m. a tugboat came alongside with some seamen on board. The tugboat accompanied us out about ten miles. The tug then left us, and a tall gentleman, with a reddish face and pock-marked, who came from Cunard, Wilson & Co.'s office, left us and went into the tug. As he left us he said, "I hope you will make a good thing of it, and that you will stop where you are going to." We then proceeded on our voyage, and stood out some days, when we found we were going to the Western Isles. About the 17th or 18th of August we arrived at Terceira, and we there found the Alabama and the bark Agrippina. Captain Butcher, who was on board the Alabama, hailed us and told us to go around the island, and he would be after us, but it would take them three-quarters of an hour to get his steam up. We went on and he followed us. The Alabama went under the lee of the island, and a shot was fired across the Bahama's bows from a battery on shore; so we stopped out until the morning. In the morning we went alongside the Alabama, and some small cases, and a safe containing money, were passed into the Alabama from our ship, and we then parted and anchored a little distance from her, and the bark Agrippina went and discharged the remainder of her cargo into the Alabama. During this time Captain Semmes and Captain Bullock were going backwards and forwards to the Alabama, but would not let any of the officers go. On Monday, the 24th of August, Captain Semmes came on board the Bahama and called us under the bridge—he himself and the officers standing on the bridge. He addressed us and said, "Now, my lads, there is the ship, (pointing to the Alabama;) she is as fine a vessel as ever floated. There is a chance which seldom offers itself to a British seaman, that is, to make a little money. I am not going to put you alongside of a frigate at first, but after I have got you drilled a little I will give you a nice fight." He said, "There are only six ships that I am afraid of in the United States navy." He said, "We are going to burn, sink, and destroy the commerce of the United States. Your prize money will be divided proportionably according to each man's rank, something similar to the English navy." Some of the men objected, being naval reserve men. Captain Semmes said, "Never mind that, I will make that all right. I will put you in English ports, where you can get your book signed every three months." He then said, "Is Mr. Kell on the deck? and all those who are desirous of going with me, let them go aft and give Mr. Kell their names." A great many went aft, but some refused. A boat came from the Alabama, and those who had agreed to go went on board. Captain Semmes and the officers went on board. Mr. Low, the fourth lieutenant, then appeared in uniform, and he came on board the Bahama, endeavoring to induce the men to come forward and join, and he succeeded in getting the best part of us. I was one who went at the last minute. When I got on board the Alabama, I found a great number of men that had gone on board of her from Liverpool. Captain Semmes then addressed us on

board the Alabama, and Captain Butcher was there also, who had taken the vessel out. Captain Semmes said he "hoped we all would content ourselves, and be comfortable one among another; but any of you that thinks he cannot stand to his gun, I don't want." He then called the purser, and such as agreed to serve signed articles on the companion hatch, and on signing the men received either two months' pay in advance, or one month's wages and a half-pay note. I took a month's wages and a half-pay note for £3 10*s.* in favor of my wife, Martha Latham, 19 Wellington street, Swansea. The note was drawn on Fraser, Trenholm & Co., Liverpool, but it was paid by Mr. Klingender, in Liverpool. The note was signed by Captain Semmes, Yonge, who was the paymaster, and Smith, the captain's clerk. I sent £5 and this half-pay note ashore by Captain Bullock, and he forwarded it with a letter to my wife.

3. Captain Bullock, on the passage out, and after we arrived at Terceira, used arguments to induce us to join the Alabama. On several occasions he advised us and urged the men to join.

4. As soon as the men who consented to go had all signed articles, the English ensign, which the Alabama had been flying, was pulled down, and the confederate flag was hoisted and a gun fired. The men who declined joining left the ship with Captains Bullock and Butcher for the Bahama, and we proceeded under the command of Captain Semmes, and I have in the schedule hereto annexed given a list of the officers and men, with their places of residence.

5. We proceeded on our voyage and cruised about the Western Islands for some days, and on the following Sunday we fell in with a whaler and burned her, and we then cruised about, and in about two days we fell in with the schooner Starlight, from Boston. We fired at her four times. Her captain said, "If I had but one gun on board I would fight you." He tried to make the land, but we overhauled him and he brought to. We kept the crew of the schooner, and on the next day we landed them at the Western Isles, and took the schooner in tow for the purpose of decoying other vessels with the stars and stripes. We succeeded in capturing several. Among other vessels, we captured the Manchester, of Philadelphia line of packets, bound from New York to Liverpool. We burnt this vessel, having first taken her crew, and we put them on board the Tonawanda, which we had previously captured, and had them in tow. Amongst the crew there was a man of the name of George Forrest, who one of the midshipmen recognized as having been a seaman on board the Sumter and had deserted. He was brought on board to Captain Semmes, who told him if he behaved well he should have his pay and prize money as the other men, but that he had a right to detain him throughout the war, without paying him one cent. Forrest was retained on board the Alabama, was frequently punished by having his hands and legs fastened to the rigging, the punishment being known as "the spread eagle," and he would be kept in this position for four hours at a time, and this was done at least twenty times; and at last they ironed his legs and arms and sent him on shore, on a deserted island called Blencola, some two hundred miles from the main land, and left him. The crew subscribed some £17, unknown to Captain Semmes, which we gave him in the hope of its being some inducement to a vessel to take him off.

6. The bark Agrippina, flying the British flag and loaded with coals, from Cardiff, was at Martinique when we arrived there, and she went out to sea, and whilst out she supplied us with coal; after that we went to Arkashees, where we stopped and painted the ship, and then made

toward Galveston, and off that place we fell in with the American ship Hatteras, which we sunk; we got her crew on board and proceeded to Port Royal, Jamaica; there I ran away, and left the Alabama; whilst there the Alabama enlisted two British sailors who had deserted from her Majesty's ships Jason and Steady; Thomas Potter, who was fireman, also ran away, but the men of the Alabama came after him and arrested him, and took him back to the ship; Clarence Yonge, the purser, also left the ship; I was also arrested at a hotel in Jamaica by the Alabama crew; they wanted to force me on board, but I refused to go until I had seen the governor of the island, whose residence was some fifteen miles distant; and I saw the superintendent of the police, who, on my producing a certificate that I was a naval coast volunteer on board of her Majesty's ship Majestic, I was released.

7. My wife received my half pay; she used to receive it by post office order, payable at Swansea; and to obtain this, she every month used to write to Messrs. Fraser, Trenholm & Co., or M. G. Klingender & Co., Liverpool, inclosing the half-pay notes, and the latter firm used to send her a post office order for £3 9*s.* 5*d.*, deducting the cost of the order and the postage. In February or March she wrote as usual for the half pay; they wrote, in reply, that they could send her no more money, as I had left the ship; but they did not return her the half-pay note.

8. On my return I called at Fraser, Trenholm & Co.'s office for the balance of my wages, but they declined to pay me, and denied all knowledge of the ship; but Mr. Cooper gave the name of Mr. M. G. Klingender, and told me to see him and see if he could arrange it. I did so; but he told me he would not do so, as they had received a note from Captain Semmes that I had deserted at Jamaica.

9. The guns comprising the armament on the Alabama have Fawcett, Preston & Co.'s marks on them. They were made by this firm.

JOHN LATHAM.

Sworn at Liverpool, the 8th of January, 1864, before

J. PEARSON,

A Commissioner, &c.

Schedule before referred to—officers and crew of the steamer Alabama.

Raphael Semmes, commander.
J. N. Kell, first lieutenant.
Richard F. Armstrong, second lieutenant.
Joseph Wilson, third lieutenant.
John Low, fourth lieutenant.
——— ———, Englishman.
Arthur Sinclair, master, (that is, sailing master.)
Francis L. Galt, surgeon, from Virginia; now acting as paymaster.
Miles J. Freeman, first assistant engineer, ranks as chief; born in Wales; does not know whether naturalized.
David Herbert Llewellyn, assistant surgeon, Englishman.
B. H. Howell, brother-in-law of Jeff. Davis, lieutenant of marines. (No marines on board.)
W. H. Sinclair, midshipman.
Irving S. Bullock, midshipman; Captain Bullock's brother.
Eugene Maffitt, midshipman; Captain Maffitt's son.
Edward Maffitt Anderson, midshipman; son of Colonel Anderson.

W. P. Brooks, second assistant engineer.
S. N. Cumming, third assistant engineer.
Matthew O'Brien, third assistant engineer.
John M. Pundt, third assistant engineer.
George T. Fulham, first master's mate, Englishman.
James Evans, second master's mate, Charleston pilot.
W. D. Smith, captain's clerk.
Benjamin L. McCosky, boatswain.
F. O. Caddy, gunner.
William Robinson, carpenter.
Henry Allcott, sailmaker, Englishman.
Clarence R. Yonge, paymaster.

Petty officers and seamen.

James King, master-at-arms, Savannah pilot.
Adolphus Warmley, Portuguese.
W. A. King, quartermaster.
James G. Dent, quartermaster.
William Forestall, quartermaster, Englishman.
Ralph Masters, quartermaster gunner, Irishman.
William Crawford, Englisman; lives in Liverpool; belongs to royal naval reserve.
George Addison, Englishman; lives in Liverpool.
William Brinton, Englishman; royal navy reserve.
——— Robinson, head carpenter.
George Harwood, boatswain's mate; English pensioner; from English navy; joined her at Liverpool Home; now is a southerner, as boatswain; lives in Liverpool.
Michael Kinshler, Irishman, fireman; has a pension in England.
Brent Johnson, second boatswain's mate, Englishman; naval reserve man; joined vessel at Liverpool.
William Purdy, sailmaker, Irishman by birth; lives in Liverpool; belongs to naval reserve; joined her in Liverpool.
John Latham, fireman, an Englishman; belongs to coast volunteers; enlisted on Alabama at Terceira.
Daniel Roach, fireman, Englishman; resides at Liverpool; belongs to royal navy reserve; enlisted in Liverpool; left her 22d November.
Thomas Murphy, fireman, Englishman; left her at Western Islands.
Thomas Welch, Englishman; left the ship; enlisted in Alabama in Liverpool.
James Smith, captain of forecastle, Englishman; residing in Liverpool; belongs to naval reserve; enlisted on board of Alabama in Liverpool.
Edward Fitzmorris, Englishman; enlisted in Alabama in Liverpool; is at home now; his wife lives at Aigburth.
George Addison, fireman; lives at Liverpool, Copperal Hill; enlisted at Terceira.
James McFudgeon, fireman, Englishman; lives at No. 6 West Derby street; enlisted at Terceira; now at home.
Thomas Potter, Englishman, enlisted in Alabama at Liverpool; lives in Arch street, Liverpool; deserted at Jamaica; they arrested him at Jamaica and carried him on board; his wife lives in Liverpool now.
Samuel Williams, fireman, lives in Liverpool; born in Wales; enlisted in Alabama at Liverpool.

Patrick Bradley, fireman, Englishman; resides in Liverpool; enlisted there.

John Origen, fireman, Irishman; resides in School street, Liverpool; enlisted there.

Oran Duffy, fireman, Irishman.

Peter Duncan, fireman, Englishman; resides in Liverpool; enlisted in Liverpool.

William Nevins, coal-passer, Englishman; belongs to naval reserve; enlisted at Liverpool.

Andrew Shilling, Scotchman; resides at Athel street, Liverpool; has a vife; enlisted at Liverpool; is a fireman.

Charles Puist, coal-passer, is a German.

George Yeoman, ordinary seaman, Englishman; enlisted at Terceira.

George Fremantle, seaman, Englishman; enlisted at Terceira.

Frederick Johns, purser's steward, Englishman; resides in Liverpool; his father keeps a coal-yard in Howard street; enlisted at Terceira.

John Grandy, boy, English; lives in Liverpool.

Thomas Weir, gunner's mate, Englishman; enlisted at Liverpool.

James Busman, seaman, Englishman.

Edgar Tripp, seaman, Englishman; lives in London; enlisted at Liverpool.

John Neil, seaman, Englishman; lives with his sister in Manchester street, Liverpool; belongs to naval reserve; enlisted at Terceira.

Thomas Winter, fireman, Englishman; lives in Liverpool; his father is ticket collector at the Adelphi theater; enlisted in Liverpool.

Samuel Henry, seaman, Englishman; resides in Liverpool; naval reserve man; enlisted in Liverpool.

John Roberts, seaman, Welchman; think he resides at Liverpool; enlisted at Terceira.

John Luggan, seaman, Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Martin King, seaman.

Thomas Villiams, seaman, Englishman; resides in Liverpool; belongs to naval reerve; enlisted at Terceira.

Robert Williams, seaman, Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Joseph Parson, seaman, Englishman; belongs to Chester; enlisted at Liverpool

Joeph Conner, seaman, Englishman; resides in Walnut street; his wife ives there and keeps a butcher's shop; belongs to naval reserve; enlisd at Terceira.

Tbmas McMullen, seaman, Englishman; resides in Liverpool; joined at Tceira.

Mhael May, seaman, Englishman; belongs to Bristol; naval reserve; joind at Terceira.

Roert Egan, boy, English; belongs to Chuley.

Mcolm McFarland, seaman, Scotchman; resides in Liverpool; belongto naval reserve; enlisted at Terceira.

Per Henry, seaman, Irishman; lives in Liverpool; enlisted at Terceira

Clrles Goodwin, seaman, Englishman; resides in Liverpool; enlisted at Tceira.

Jaes Hicks, captain of the hold, Englishman; resides in Liverpool; enlisd in Liverpool.

Gege Appleby, yeoman, Englishman; resides in Liverpool; married manenlisted in Liverpool.

John Emory, seaman, Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

William Mearn, seaman, Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Thomas L. Parker, boy, English; stops with Brent Johnson.

A. G. Bartelle, seaman, Portuguese.

Peter Hughes, captain of top, Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Liverpool.

Henry Fisher, seaman; enlisted at Liverpool.

Frank Townsend, seaman, Englishman; enlisted in Liverpool.

George Forrest, seaman, Irishman; taken off the ship Manchester because he had deserted from the Sumter, and tried by a court-martial for causing mutiny, and sent on shore, in irons, to island Blanco and left there. Previous to his being tried for mutiny he was tied up twenty times in the rigging with his arms spread, for four hours at a time, day and night.

Robert Parkinson, wardroom steward, Englishman; resides in Liverpool; enlisted in Liverpool.

Deposition of Martha Latham.

I, Martha Latham, of 18 Wellington street, Swansea, in the county of Glamorgan, wife of John Latham, make oath and say as follows:

My husband was one of the crew of the steamer Alabama. In the month of August, 1862, my husband, who was in Liverpool, wrote me that he was going out in the steamer Bahama, to run the blockade. Some weeks after that I received a letter from my husband, dated at the Western Islands, stating that he had joined the steamer Alabama for £7 a month. On the same day I received a letter from Captain James D. Bullock, inclosing me a half-pay note, signed by Captain Semmes, for the half pay of my husband while he served on board of said steamer Alabama. The note was payable to me at Fraser, Tenholm & Co.'s, in Liverpool. In the latter part of August, or first part of September, 1862, my husband's cousin, Thomas Wistinley, 36 Jasper street, Liverpool, received £5 for me from the office in Liverpool. I had sent him Captain Bullock's letter, and the one from my husband. I sent my half-pay note to Liverpool to draw the money on it. It was returned to me in the letter annexed hereto, marked "A." I signed my name and sent it to the office of M. G. Klingender & Co., Liverpool, who sent me £3 10*s.* less seven pence, the expenses. It was sent to me in a post-office order, in a letter dated October 3, 1862, annexed hereto, and marked on back, "Exhibit B." On the 31st October, 1862, M. G. Klingender & Co. sent me another letter, inclosing me another order for £3 9*s.* 6*d.*, being another month's half pay on said note.

On the 31st of December, 1862, the Messrs. Klingender & Co. sent me another letter, inclosing me an order for £3 9*s.* 6*d.* on account of said note. The letter is annexed hereto, and marked "Exhibit C." On the back I received another half pay of £3 9*s.* 6*d.* It must have been in January, but the letter in which it was sent, as well as the letter written to me by Captain Bullock, above mentioned, has been mislaid. All the money orders were paid to me. In February or March I received from M. G. Klingender & Co. a letter without date, stating that my husband had deserted, and stopping the pay on the allotment note. I had been in the habit of sending them the note every time I drew the money. The last time I sent it they retained it, and sent me the last-mentioned

letter, but no money. They still have the allotment note in their possession. The letter from M. G. Klingender & Co., dated 31st October, 1862, above mentioned, is annexed hereto, and marked "Exhibit D."

The last letter from them to me, without date, above mentioned, is also annexed hereto, and marked "Exhibit E."

MARTHA LATHAM.

Sworn and subscribed to this 3d day of December, 1863.

J. ROLLY FRIPP,
A Commissioner for taking oaths in the Court of Queen's Bench at Westminster.

A.

LIVERPOOL, *September* 30, 1862.

Messrs. M. G. Klingender & Co. must request Mrs. Martha Latham, before paying her the £3 10*s.*, to sign her name at the back of the allotment note, and then return it to them, when they will remit her a money order for the amount, less cost of order.

MRS. M. LATHAM,
19 *Wellington street, Swansea, South Wales.*

P. S.—Please note address, No. 22 Water street, Liverpool.

EXHIBIT B.

LIVERPOOL, 22 *Water street, October* 3, 1862.

MADAM: Inclosed please find money order, payable at the post office of your town, for £3 9*s.* 5*d.* In future you must send us your allotment note, signed across a receipt stamp.

Returning you the note, we are yours, &c.,

Per M. G. KLINGENDER & CO.,
C. F. VAN MELLE.

Money order	£3 9*s.* 5*d.*
Cost of order	6*d.*
Receipt stamp	1*d.*
	3 10*s.* 0*d.*

MRS. MARTHA LATHAM,
19 *Wellington street, Swansea, South Wales.*

EXHIBIT C.

LIVERPOOL, *December* 31, 1862.

Messrs. Klingender & Co. inclose Mrs. Martha Latham a post office order for £3 9*s.* 6*d.*, deducting, as usual, 6*d.* for cost of order.

MARTHA LATHAM,
No. 19 *Wellington street, Swansea, South Wales.*

EXHIBIT D.

LIVERPOOL, *October* 31, 1862.

MADAM: We inclose you a money order for £3 9*s.* 6*d.*, payable at the post office of your town.

Returning you the note, we are yours, &c.,

Per M. G. KLINGENDER & CO.,
C. F. VAN MELLE.

	£3 9*s.*	6*d.*
Cost of order,		6*d.*
	3 10*s.*	0*d.*

Mrs. MARTHA LATHAM,
19 *Wellington street, Swansea, South Wales.*

EXHIBIT E.

MADAM: We have this day received advices, per West India mail, from St. Domingo, stating that John Latham, with three other men, deserted the Alabama, on the 25th January, at Kingston, Jamaica, and of course their allotment notes must be stopped.

We are, &c.,

Per M. G. KLINGENDER,
C. F. VAN MELLE.

MARTHA LATHAM,
19 *Wellington street, Swansea, South Wales.*

Deposition of Thomas Winstinley.

I, Thomas Winstinley, of Liverpool, in the county of Lancashire, residing at 86 Jasper street, make oath and say: I am a cousin of John Latham. After he had joined the Alabama, in the summer of 1862, his wife, Martha Latham, wrote me that Mr. Latham had sent home a part of his advance wages, and requested me to go to Fraser, Trenholm & Co., in Liverpool, and get it for her. I went to Fraser, Trenholm & Co.'s office either the last part of the month of August or the fore of September, 1862. I saw one of the men in the office. I presented him the note. It was for £5. I forget by whom it was signed. The man said, "Well, you are not Martha Latham, and this note is payable to her." I told him she lived at Swansea, and that she had written me to get it for her, and showed him her letter to me. He then said, if I would leave him the letter and note, he would pay me. I consented to do this, and he paid me £5, which I remitted to Martha Latham, less the expense. The person who paid me, I was told by the other clerks in the office, was Fraser, Trenholm & Co.'s cashier. I left the note and letter with him.

THOMAS WINSTINLEY.

Sworn and subscribed at Liverpool, January 6, 1864, before
J. PEARSON, *a Commissioner, &c.*

Mr. Adams to Mr. Seward.

No. 581.] LEGATION OF THE UNITED STATES,
London, January 22, 1864

SIR: I have the honor to transmit a copy of my note to Lord Russell, of the 20th instant, based upon your dispatch, No. 792, of the 28th December last, and claiming indemnity for the capture of the bark Sea Bride and her cargo.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 20, 1864.

MY LORD: I have the honor to submit to your lordship's consideration copies of certain papers relating to the case of the bark Sea Bride, of Boston, captured by the Alabama.

It is affirmed, in the depositions making a part of these papers, that the Sea Bride was taken within the maritime jurisdiction of Great Britain, in Table Bay, at the Cape of Good Hope. It is presumed that if this fact can be established, her Majesty's government will not hesitate to accord that full reparation to the claimants for this lawless proceeding which is justly their due.

Should it, however, turn out, on a fuller investigation of the facts, that the capture was not made within the jurisdiction of Great Britain, I am, nevertheless, instructed to present the claim, under the general argument set forth in the note which I had the honor to address to your lordship on the 23d of October last.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Ryder to Mr. Seward.

BOSTON, *December* 16, 1863.

DEAR SIR: Yours of the 12th ultimo was duly received and contents noticed, and would say in reply that I now forward to you all the documentary proofs of the capture of bark Sea Bride, of Boston, by the pirate Alabama, in British waters. The papers are made to conform to your request. The amount claimed of the English government through you are thus:

Valuation of bark Sea Bride	$30,000
Valuation of charter	10,500
Stores, provisions, advance wages, personal effects, &c., belonging to Captain Charles F. White, late master	3,393
	43,893

Respectfully, &c.,

ELISHA H. RYDER, *Attorney.*

Declaration of Elisha H. Ryder.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Be it known to all whom it may or doth concern, that on this 15th day of December, A. D. 1863, before me, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Elisha H. Rider, of Boston, in the county of Suffolk, Commonwealth of Massachusetts, who did on oath declare that he was owner of four sixty-fourth parts of the American bark Sea Bride, of Boston aforesaid, of the burden of four hundred and forty-seven tons or thereabouts; and that he is agent for and represents the owners of the other portions of said bark Sea Bride, as appears by a power of attorney duly executed, a copy of which is herewith annexed. That the said bark was owned as follows, viz: Elisha H. Ryder, four sixty-fourths; Caleb Eaton, four sixty-fourths; Grove & Choate, co-partners, one sixty-fourth; Charles F. White, twenty-one sixty-fourths; James Clark, two sixty-fourths; David E. Mayo, one sixty-fourth; William Carver, twenty-one sixty-fourths; Jonathan Kiniston & James R. Kiniston, co-partners, six sixty-fourths; Basset, Bacon, & Russell, co-partners, four sixty-fourths, as will be seen by reference to the register of the bark, a copy of which is herewith annexed. That said bark Sea Bride, under the command of Charles F. White, sailed from the port of New York on the 28th May last past, laden with a general cargo, and bound to the port of Table Bay, Cape of Good Hope, one of the colonies of the kingdom of Great Britain; that the voyage was performed without any particular occurrence until noon of the third day of August last, when they sighted Table Mountain and made for Table Bay; but on the night of fourth day of said month, on account of the darkness, it was deemed advisable for the vessel to keep off for the night. On the morning of the fifth day they again stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they supposed to be the English mail-steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired from the steamer and a demand was made for the Sea Bride to heave to, which not being complied with, another gun was fired, and the commander of the steamer threatened to shoot the crew of the Sea Bride if they refused. Two boats were then lowered from the steamer and sent on board the bark, which in the mean time had hove to. The officer in charge of the boats, on his arrival on board the bark, ordered one of his crew to haul down the flag, and also ordered the captain of the bark to take his papers on board the Alabama, which was done at about a quarter before 3 p. m., when the position of the bark within Table Bay was as follows: Green Point light-house bearing south by east; Robin Island light-house bearing northeast. The bark being at the time of her capture in neutral water, or according to bearings within three miles of the land, where she was seized, captured, and taken possession of in the port of a friendly power where she was bound, by the confederate steamer Alabama, aforesaid, as will be seen by reference to the protest of the master, made before the United States consul at Cape Town, a certified copy of which is herewith annexed. That by this seizure and confiscation this appearer and the other owners, whom he represents, have suffered injury and loss to the amount of $40,500, as follows: By the seizure and capture of the bark aforesaid, $30,000, as per estimate of Ebenezer Davis, esq., marine inspector of the Boston board of underwriters, certificate of which is herewith

annexed; and the further sum of $10,500, being the amount due under the charter-party, a copy of which is herewith annexed, making the aforesaid sum of $40,500.

And now the said apppearer, Elisha H. Ryder, in behalf of himself and the other owners whom he represents, prefers a claim against the government of the kingdom of Great Britain, holding them responsible for all losses and expenses arising from the seizure of the vessel aforesaid, this appearer and those he represents being themselves ready to furnish any additional proof desired in the premises, and the said appearer believes and claims that, according to the law of nations and in equity, the government of the kingdom of Great Britain is bound to indemnify, and hold him and those he represents harmless for all losses, together with interest and expenses, in consequence of the seizure herein set forth.

And furthermore, the said Elisha H. Ryder, in behalf of Charles F. White, late master of said bark Sea Bride, makes claim for his loss of charts, nautical instruments, clothing, books, and stores, together with sundry expenses and losses incurred by him, to the amount of $3,393, seized with and in consequence of the seizure of the said bark Sea Bride, and belonging to him the said Charles F. White, a statement of which under oath is herewith annexed.

In testimony whereof I herewith set my hand and notarial seal, at Boston, this 15th day of December, A. D. 1863, and the said Elisha H. Ryder has affixed his name, having solemnly sworn to the truth of the foregoing declaration.

ELISHA H. RYDER.

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

Special power of attorney.

Know all men by these presents, that we, Caleb Eaton, Abiel Gove & Elbridge G. Choate, co-partners, Charles F. White, all of Boston, in the Commonwealth of Massachusetts; James Clark, of Charlestown, David E. Mayo, of Chelsea, William Cunner, Jonathan Kenniston & James R. Kenniston, co-partners, at Newburyport, in the Commonwealth aforesaid; Zenas D. Bassett, Elisha Bacon, William S. Russell, co-partners, of the city and State of New York, with Elisha H. Ryder, of Boston, Commonwealth aforesaid, the sole owners of the American bark Sea Bride, of Boston aforesaid, of the burden of four hundred and forty-seven tons, or thereabouts; that the said bark was owned in the following proportions, viz: The said Ryder, four sixty-fourths; Eaton, four sixty-fourths; Grove & Choate, co-partners, one sixty-fourth; White, twenty-one sixty-fourths; Clark, two sixty-fourths; Mayo, one sixty-fourth; Cunner, twenty-one sixty-fourths; Kenniston & Kenniston, co-partners, six sixty-fourths; Bassett, Bacon & Russell, co-partners, four sixty-fourths; have appointed, constituted, ordained, and made, and in our stead put Elisha H. Ryder, aforesaid, to be our true, sufficient, and lawful attorney for us, and in our name and stead to ask, demand, sue for, collect and receive, all such sum or sums of money, debts, dues, and other demands, which are or shall be due, owing, payable, and belonging to us the constituency or owners of the bark Sea Bride, and especially to ask, demand, sue for and collect, from and against the

government of the United States of America, or against any officer or officers acting for or on behalf of said government, and further, provided it may or shall become necessary so to do, by reason of any request or direction of or from said United States government, or its agents or officers, then to ask, demand, sue for, and collect from and against the government of Great Britain, or against any officer or officers acting under or in behalf of said last-named government, and in our names or otherwise to sign, execute, and deliver any releases and discharges, whether under seal or otherwise, giving and granting unto our said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as we might or could do if personally present, with full power of substitution and revocation, hereby satisfying and confirming all that our said attorney or his substitutes shall lawfully do, or cause to be done, by virtue hereof.

In testimony whereof, we have hereunto set our hands and seals this 3d of November, A. D. 1863.

Witness our hands and seals:

CALEB EATON.
ABIEL GOVE.
ELBRIDGE G. CHOATE.
CHARLES F. WHITE.
ROSENA CLARKE,
Administratrix of the estate of JAMES CLARKE.
DAVID E. MAYO.
WM. CUNNER.
JONATHAN KENNISTON.
JAMES R. KENNISTON.
ZENAS D. BASSETT.
ELISHA BACON.
W. S. RUSSELL.

Witnesses:
T. F. BROWN.
T. F. BROWN.
L. NICKERSON.
L. NICKERSON.
L. NICKERSON.

COUNTY AND STATE OF NEW YORK:

On this 3d day of November, 1863, before me, Thomas H. Armstrong, a public notary in and for the city and county and State of New York, residing in the city of New York, personally came Zenas D. Bassett, John Elisha Bacon, and William S. Russell, to me known to be the individuals described, and who executed the within instrument, and severally acknowledged that they executed the same of their free act and deed.

THOMAS H. ARMSTONG,
Notary Public.

COMMONWEALTH OF MASSACHUSETTS, *Essex, ss:*

Be it known that on the seventh day of November, in the year of our Lord 1863, before me, John T. Brown, a notary public, duly commissioned and sworn, and residing in the city of Newburyport, county and State aforesaid, personally appeared Jonathan Keniston, and James R. Keniston, of said Newburyport, and personally known to me as the true and lawful owners of three thirty-second parts of said bark Sea Bride,

and acknowledged the foregoing power of attorney by them signed and sealed to be their free act and deed.

In testimony whereof, I have hereunto set my name and affixed my notarial seal this 7th day of November, in the year of our Lord 1863.

JOHN T. BROWN, *Notary Public.*

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Before me, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Caleb Eaton, Abiel Gove, Elbridge G. Choate, Charles F. White, Rosena Clarke, administratrix of the estate of the late James Clarke, David E. Mayo, and William Conner, to me known to be the individuals described in and who in my presence signed and executed the foregoing power of attorney, and severally acknowledged the same to be their free act and deed.

In testimony whereof, I have hereunto set my hand and notarial seal in the city of Boston, this 10th day of November, A. D. 1863.

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

PROBATE COURT.

COMMONWEALTH OF MASSACHUSETTS, *Middlesex, ss:*

To Rosena Clarke, of Charlestown, in the county and commonwealth aforesaid, widow, greeting.

Trusting in your care and fidelity, I, William A. Richardson, esq., judge of the probate court in and for said county of Middlesex, by virtue of the power and authority vested in me, do hereby ordain, constitute, and appoint you to be administratrix of the estate of James Clarke, late of Charlestown, in said county of Middlesex, painter, deceased and intestate. And you are ordered to make and return into said probate court, within three months from the date hereof, a true inventory of all the real estate, and all the goods, chattels, rights, and credits of said deceased, which have or shall come to your possession or knowledge. To administer according to law all the goods, chattels, rights, and credits of said deceased, and the proceeds of all his real estate that may be sold for the payment of his debts, which shall at any time come to your possession, or that of any other person for you. To render upon oath a true account of your administration within one year from the date hereof, and at any other times when required by the said court to pay any balance remaining in your hands upon the settlement of your accounts to such persons as said court shall direct. To deliver these letters of administration into said court, in case any will of said deceased shall be hereafter duly proved and allowed; and also within three months to cause notice of your appointment to be posted in two or more public places in the city or town in which said deceased last dwelt, and within one year to return your affidavits of having given such notice, with a copy thereof, to the probate office.

In witness whereof, I have hereunto set my hand, and caused the seal of said court to be affixed at Cambridge, this 26th day of August, in the year A. D. 1863.

WILLIAM A. RICHARDSON,
Judge of Probate.

T. H. TYLER, *Registrar.*

SUFFOLK, *ss:*

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the original letters of administration to Rosena Clarke, administratrix to the estate of James Clarke, deceased, now before me.

In testimony whereof, I have herewith set my hand and notarial seal, this 10th day of November, A. D. 1863.

GEORGE H. FOLGER, *Notary Public.*

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

I, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of an original power of attorney from owners of bark Sea Bride to Elisha H. Ryder, now before me.

In testimony whereof, I have hereunto set my hand and notarial seal, this 10th day of November, A. D. 1863.

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

Registry of vessels, United States.

(No. 110.—PERMANENT.)

In pursuance of an act of the Congress of the United States of America entitled an "Act concerning the registering and recording of ships or vessels," Elisha H. Ryder, four sixty-fourths, of Boston, State of Massachusetts, having taken and subscribed the oath required by the said act, and having sworn that he, together with Caleb Eaton, four sixty-fourths, Abiel Gove, Elbridge G. Choate, co-partners, one sixty-fourth, Charles F. White, twenty-one sixty-fourths, of said Boston; James Clark, two sixty-fourths, of Charlestown; David E. Mayo, one sixty-fourth, of Chelsea; William Connor, twenty-one sixty-fourths, Jonathan Keniston & James R. Keniston, co-partners, six sixty-fourths, of Newburyport, State aforesaid; Zenas D. Bassett, Elisha Bacon, and William J. Russell, captains, four sixty-fourths, of city and State of New York, are the only owners of the ship or vessel called the Sea Bride of Boston, whereof Serenus W. Mayo is at present master, and a citizen of the United States, as he hath sworn; and that the said ship or vessel was built at said Newburyport, A. D. 1860 and 1861, as per enrollment No. 39, issued at this office, this day now canceled. Property partially changed, and said enrollment having certified that the said ship or vessel has one deck, three masts, and that her length is one hundred and thirty feet four and a half inches, her breadth twenty-eight feet three inches, her depth thirteen feet three inches, and that she measures $447\frac{2}{95}$ tons; that she is a bark, has an elliptic stern and a billet head.

And the said Elisha H. Ryder having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said bark has been duly registered at the port of Boston and Charlestown.

Given under our hands and seals at the ports of Boston and Charlestown this 27th day of May, in the year 1863.

F. BIGGER, *Registrar.*
JAS. S. WHITNEY, *Collector.*
C. D. LINCOLN, *Deputy Naval Officer.*

Indorsed as follows:

CUSTOM-HOUSE, BOSTON,
Collector's Office, October 29, 1863.

This is to certify that the within is a copy of the original, as appears by the records of this office.

Given under my hand and seal the day above written.

J. Z. GOODRICH.

Declaration of Charles F. White.

PORT OF CAPE TOWN.

On this 6th day of August, in the year of our Lord 1863, before me, Walter Graham, consul of the United States of America for Cape Town and the dependencies thereof, personally appeared Charles F. White, master of the bark Sea Bride, of Boston, of the burden of 447$\frac{2}{95}$ tons, or thereabouts, and declared that on the 28th day of May he sailed in and with the said ship from the port of New York with general cargo, and arrived off Table Bay on the evening of the 4th instant, and having been captured so close to the shore by the confederate steamer Alabama, hereby enters this note of protest against said capture as illegal, reserving his right to extend said protest at time and place convenient if found necessary.

CHARLES F. WHITE,
Master of Bark Sea Bride.

Attested:

WALTER GRAHAM, *United States Consul.*

And be it further made known, that on this 7th day of August aforesaid, together with the above-named Charles F. White, master, also came John Scofield, chief mate, and Richard White, second mate of and belonging to said bark, who declared on oath that on the 28th day of May last past, in their capacity aforesaid, they sailed in and with the said bark from the port of New York, laden with general cargo and bound for the port of Table Bay; that they proceeded on their voyage without any particular occurrence until noon of the 3d instant, when they sighted Table Mountain and made for Table Bay; but on the night of the 4th instant, on account of darkness, they deemed it advisable to keep off for the night; but on the morning of the 5th they stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they considered to be the English mail-steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired, and a demand was made to heave to, which as they, the said appearers, did not comply with, another gun was fired, and the commander of the said steamer threatened to shoot them if they refused. The bark was then hove to. Two boats were lowered from the steamer and sent on board the bark, when the officer in charge of them ordered one of his crew to haul down the flag, and ordered the captain to take his papers on board the Alabama, which was done at about a quarter before three, when the position of the bark was as follows:

Green Point light-house bearing south by east, Robben Island light-house bearing northeast. The said appearers did further protest against the said capture as illegal. Said bark was at the time in neutral waters, or according to bearings within three miles of land.

And these appearers did further allege, declare, and say that they, together with other of the ship's company, used their best endeavors

to bring the said bark into Table Bay, but were prevented by said capture.

CHARLES F. WHITE, *Master.*
JOHN SCOFIELD, 1*st Mate.*
RICHARD R. WHITE, 2*d Mate.*

Thus done and protested before me, Walter Graham, United States consul at Cape Town, this 7th day of August, 1863.

WALTER GRAHAM,
United States Consul.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the protest of bark Sea Bride, with the signature and seal of United States consul, late at Cape Town, now before me.

In testimony whereof, I have hereunto set my hand and notarial seal at Boston, this 10th day of November, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

Certificate.

MARINE INSPECTOR'S OFFICE, 76 STATE STREET,
Boston, October 30, 1863.

I hereby certify to all whom it may concern that the bark Sea Bride, of Boston, captured by the confederate steamer Alabama, August 5, 1863, was built at Newburyport (launched) March, 1861; was four hundred and forty-seven tons. Her frame and outboard plank were all white oak, deck-frame and ceiling were yellow pine; was fastened in a most thorough manner with copper and iron and through treenails; was sheathed with yellow metal when new to nine and one-half and ten and one-half feet; was in all respects a very superior vessel, and in my opinion was worth, when she sailed on her last voyage, $30,000.

Rated in our Boston reports A 1.

EBR. DAVIS,
Marine Inspector for the Boston Associated Board of Underwriters.

Charter-party, &c.

The charter-party made and concluded upon in the city of New York, the 26th day of May, in the year 1863, between Charles F. White and acting owner of the Sea Bride, of Boston, of four hundred and forty-seven tons or thereabouts register measurement, now lying in the harbor of New York, of the first part, and Messrs. Rufus Greene & Co., of Providence, Rhode Island, of the second part, witnesseth, that the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, do covenant and agree on the freighting and chartering of the said vessel unto the said party of the second part for a voyage from New York to Cape Town, Zanzibar, and back to Providence, Rhode Island, on the following terms:

1. The said party of the first part do engage that the said vessel in

and during the said voyage shall be kept tight, stanch, well fitted, tackled, and provided with every requisite, and with men and provisions necessary for such voyage.

2. The said party of the first part do further engage that the whole space of said vessel (with the exception of the cabin and the necessary room for the accommodation of the crew, and the stowage of the sails, cables, and provisions) shall be at the sole use and disposal of the said party of the second part during the voyage aforesaid, and that no goods or merchandise whatever shall be laden on board, otherwise than from the said party of the second part or their agents, without their consent, on pain of forfeiture of the amount of freight agreed upon for the same.

3. The said party of the first part do further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandise as the said party of the second part or their agents may think proper to ship.

And the said party of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said party of the first part, do covenant and agree with the said party of the first part to charter and hire the said vessel as aforesaid on terms following, that is to say:

1. The said party of the second part do engage to provide and furnish to the said vessel cargo sufficient, at least, for ballast in foreign ports.

2. The said party of the second part do further engage to pay to the said party of the first part, his agents, for the charter or freight of the said vessel during the voyage aforesaid, in manner following, that is to say, $10,500, one-fourth of which is earned and due on the discharge of cargo at Cape Town, and one-half of which is earned and due on discharge of cargo at Zanzibar, but payable at Providence on the return of the vessel, or news of her loss, and the balance on discharge of the cargo at Providence; also pay all foreign pilotages, port charges, lighterages, and consul's fees, charterers to have the privilege of one passenger out and home.

It is further agreed between the parties to this instrument that the said party of the second part shall be allowed for the loading and discharging of the vessel at the respective ports aforesaid lay days as follows, that is to say, sufficient time for loading at New York, thirty running days for discharging and loading at Cape Town and Zanzibar, and dispatch in discharging at Providence, Rhode Island. And in case the vessel is longer detained, the said party of the second part agrees to pay to the said party of the first part demurrage at the rate of $1,400 per month, by day for every day so detained, provided such detention shall happen by default of the said party of the second part or their agents.

It is also further understood and agreed that the cargo or cargoes shall be received and delivered alongside of the vessel within reach of her tackles, or according to custom and usages at the ports of loading and discharging. It is understood that the charterers are to pay on account of this charter sufficient money, not to exceed $1,000, free of commission, interest, or exchange, to disburse her at Cape Town and Zanzibar, to be deducted from the charter on the return of the vessel. The vessel to be consigned to the charterers' agents free of commissions.

To the true performance of all and every of the foregoing covenants and agreements the said parties each to the other do hereby bind themselves, their heirs, executors, administrators, and assigns, (especially the said party of the first part, the said vessel, her freight, tackle, and ap-

purtenances, and the said party of the second part the merchandise to be laden on board,) each to the other in the penal sum of $10,500.

In witness whereof, the said parties have hereunto interchangeably set their hands this 26th May, 1863.

RUFUS GREENE & CO.
CHARLES F. WHITE.

Delivered in the presence of—
L. NICKERSON.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do hereby certify the foregoing to be a true and exact copy of an original charter-party of bark Sea Bride, now before me.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, this 10th day of November, A. D. 1863.

GEORGE H. FOLGER,
Notary Public.

List of stores and personal effects belonging to Charles F. White, late master of the bark Sea Bride, of Boston, which vessel, together with the effects of the undersigned, as also her cargo, was seized and captured by the confederate steamer Alabama on the 5th day of August, A. D. 1863, in Table Bay, Cape of Good Hope, one of the colonies of the kingdom of Great Britain, as is fully set forth in the protest of the captain and officers of said bark extended before the American consul at Cape Town, to which reference is respectfully made.

Stores and provisions on board for the voyage out and home, valued as per bill	$1,600
1 brass cannon, 1,100 pounds	450
1 gun	12
1 rifle	20
1 chronometer	180
1 barometer and 1 spy-glass	20
1 Hosburg	40
1 Coast Pilot and Epitome	9
1 North Atlantic Navigator	5
1 sextant	125
1 octaret	20
Several charts	50
Barometer and thermometer	20
2 beds, one hair and one feather	75
Personal clothing	50
Scale and dividers	2
Nautical books	20
Pair of pistols	30
Advance wages paid to mates and crew	380
160 pounds tobacco	80
Board paid at Cape Town after capture	75
Passage from Cape Town to United States	130
Total	3,393

CHARLES F. WHITE.

BOSTON, *December* 15, 1863.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Before me, George Howland Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, personally appeared Charles F. White, late master of the bark Sea Bride, of Boston, and made solemn oath, that by the capture of the said bark by the confederate steamer Alabama, in Table Bay, the said appearer lost thereby his property and effects heretofore set forth, and that they were worth to him at the time of capture the sum of $3,393.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, this 15th day of December, A. D. 1863.

GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

HER BRITANNIC MAJESTY'S CONSULATE,
States of Massachusetts and Rhode Island:

I, Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, do hereby certify that George H. Folger, esquire, of Boston, is a notary public for the county of Suffolk, Massachusetts, duly qualified, and that to his acts and attestations as such full credit and faith is due, and must be given; and I further certify that the within annexed is his genuine signature and notarial seal.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Boston, this 16th day of December, in the year of our Lord 1863.

F. LOUSADA,
Her Britannic Majesty's Consul for Mass. and Rhode Island.

Messrs. Greene & Co. to Mr. Seward.

PROVIDENCE, RHODE ISLAND,
December 17, 1863.

SIR: Accompanying this we forward, for the attention of the department, documental evidence of the capture, seizure, and loss of the cargo of the bark Sea Bride, of Boston, an act we believe to have been committed within neutral limits of the waters at Table Bay, to wit, within three miles of land; and our loss and damage we believe the government of Great Britain to be liable and responsible for, by their authorities at the Cape disregarding the protest of the master and mate and officers of said vessel, and also of the American consul, against the illegal seizure of said vessel and cargo.

We (shippers of the cargo) therefore beg the attention of the department, and pray that the facts set forth and sworn to in the papers, with our demand and claim for loss and damage sustained in consequence thereof, may be made on the government of Great Britain through the proper department of the American government.

All of which is respectfully submitted by your obedient servants,

RUFUS GREENE & CO.,
Providence, Rhode Island.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Be it known to all whom it doth or may concern, that on this 15th day of December, A. D. 1863, before me, George Howland Folger, a notary public duly commissioned and sworn in and for the county aforesaid, personally appeared Rufus Greene, of the city of Providence, in the State of Rhode Island, one of the partners, and representing the mercantile house or firm of Rufus Greene & Co., transacting and having their place of business in Providence aforesaid, the said mercantile firm consisting of Rufus Greene, Wm. S. Arnold, and Benjamin R. Arnold, co-partners, who did on oath declare that the said firm did ship from the port of New York, on board of the bark Sea Bride, belonging to the port of Boston, and commanded by Charles F. White, and bound to Cape Town and Zanzibar, a cargo of assorted merchandise of the value of $36,945 12, as will be seen by the invoice, a certified copy of which is hereunto annexed, marked A; that the said bark proceeded on the voyage aforesaid, having sailed from New York on the 28th day of May last past, meeting with no particular occurrence until noon of the third day of August, when they sighted Table Mountain and made for Table Bay, but on the night of the 4th day of said month, on account of the darkness, it was deemed advisable for the vessel to keep off for the night. On the morning of the 5th they again stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they supposed to be the English mail steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired from the steamer, and a demand made for the Sea Bride to heave to, which not being complied with another gun was fired, and the commander of the steamer threatened to shoot the crew of the Sea Bride if they refused. The bark then hove to, and two boats were then lowered from the steamer and sent on board the bark. The officer in charge of the boats, on his arrival on board the bark, directed one of his crew to haul down the flag, and ordered the captain of the bark to take his papers on board the Alabama, which was done at about a quarter before 3 p. m., when the position of the bark within Table Bay was as follows: Green Point light-house bearing south by east, Robben Island light-house bearing northeast, the bark being at the time of her capture in neutral waters, or, according to bearings, within three miles of the land, when she was seized, captured, and taken possession of in the port of a friendly power, where she was bound, one of the colonies of the kingdom of Great Britain, by the piratical confederate steamer Alabama aforesaid, as will be seen by reference to the protest of the master, made before the United States consul at Cape Town, a certified copy of which is hereunto annexed, marked B; that by this seizure this appearer, and those whom he represents, have suffered injury and loss to the amount of $45,445 12, as follows: by the seizure of the cargo aforementioned, of the invoice value of $36,945 12, and a further loss in consequence of the non-arrival of the cargo at its ports of destination, of the sum of $8,500, making the aforesaid sum of $45,445 12.

And now, the said Rufus Greene, in behalf of himself and the other members of his mercantile firm, whom he represents, prefers a claim against the government of the kingdom of Great Britain, holding them responsible for all losses and expenses arising from the seizure of the cargo aforesaid; this appearer and those he represents holding themselves ready to furnish any additional proof desired in the premises; and the said appearer believes and claims that, according to the law of na-

tions and in equity, the government of the kingdom of Great Britain is bound to indemnify and hold them harmless for all losses, together with interest and expenses, in consequence of the seizure herein set forth.

RUFUS GREENE.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, the year and day above written; and the said Rufus Greene hath affixed his name, having solemnly sworn to the truth of the foregoing declaration.

[SEAL] GEORGE H. FOLGER,
Notary Public, Justice of the Peace.

HER BRITANNIC MAJESTY'S CONSULATE,
States of Massachusetts and Rhode Island:

I, Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, do hereby certify that George H. Folger, esq., of Boston, is a notary public for the county of Suffolk, Massachusetts, duly qualified, and that to his acts and attestations as such full credit and faith is due and must be given. And I further certify that the within annexed is his genuine signature and notarial seal.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Boston, this 16th day of December, in the year of our Lord 1863.

[SEAL.] F. LOUSADA,
Her Britannic Majesty's Consul for Mass. and Rhode Island.

A.

Invoice of cargo laden on board bark Sea Bride, White, master, bound to Cape Town and Zanzibar. Henry Spaulding, supercargo, on board.

NEW YORK, *May* 25, 1863.

200 barrels flour, Mt. Vernon, for Zanzibar, at $9	$1,800 00
100 barrels flour, La Favorita and Oscawama, at $7 50	7,500 00
95 boxes N. cheese, 1,034 pounds, at 16 cents	163 84
35 boxes E. D. cheese, 705 pounds, at 15 cents	105 75
346 boxes candles, adamantine, 20 pounds each, at 20 cents.	1,384 00
500 boxes extra family soap, 16 pounds each, at $1 20	600 00
28 bales hops, 5,833 pounds, at 22 cents	1,283 26
10 tierces smoked hams, 2,899 pounds, at 12 cents	347 88
50 barrels prime pork, at $12	600 00
50 barrels excelsior beef, at $13 50	675 00
2 cases, 120 pairs, men's split brogans, at $1 25	150 00
1 case, 60 pairs, men's goat brogans, at $1 40	84 00
2 cases, No. 1, 24 pairs 300 pounds beams, at $3 each	72 00
2 cases, No. 2, 18, beams	81 00
2 bundles frames for do	12 00
2 bottoms frames for do	13 00
2 cases, 50 beams and weights	93 75
2 cases, platform scales, 2	28 90
100 kegs white lead, 25 pounds each, 2,500 pounds, at 8 cents.	200 00
4 cases glass beads, 1,440 bunches, at 21 cents	302 40
4 iron barrels caustic soda, 2,399 pounds	175 13
1 case, 8 reams paper, order	121 75

48 boxes and 2 packages, 297 clocks	$1,078 75
2 casks composition nails, 200 pounds, order, at 29 cents	58 00
1 case, 115 sheets yellow metal, 615 pounds, at 29 cents	178 35
1 silver hunting watch, order	15 00
1 gold hunting watch, order	58 00
1 barrel, containing lamp fixtures and oil, order	19 50
1 box, 30 gallons coal-oil, order	13 00
1 case, 2 lamps, fixtures, &c., order	19 50
1 package, 3 dozen knives, order	24 50
27 boxes crackers, assorted, 8,000 pounds	1,102 17
2 walking-canes, order	15 00
31 half boxes tobacco, H. Buckles & Co., 2,493 pounds, at 55 cents	1,371 15
100¾ half boxes tobacco, our own, 11,715 pounds, at 40 cents	4,686 00
75¾ half boxes tobacco, Fairmount, 9,013 pounds, at 35 cents	3,154 55
26 cases tobacco, excelsior, 4,063 pounds, at 45 cents	1,828 35
41 M hogshead staves, at $80 per M	3,280 00
10 M hogshead heading, at $80 per M	800 00
1 case brushes	60 25
1 case stationery, order	29 25
2 down triers	1 50
	33,586 48
10 per cent. advance	3,358 64
	36,945 12

Invoice of cargo for Sea Bride, Charles F. White, master, consigned; Henry Spaulding, supercargo on board, to proceed to Cape Town; transact the business according to memorandum, using dispatch for the vessel, and consigning all proceeds of sales and advances, with remainder of cargo, to William E. Hines, the shipper agent at Zanzibar.

RUFUS GREENE & CO.

NEW YORK, *May* 27, 1863.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

Before me, George H. Folger, a notary public, commissioned and sworn in and for the county aforesaid, personally appeared Rufus Greene, of the mercantile house of Rufus Greene & Co., of the city of Providence, in the State of Rhode Island, and made solemn oath that the foregoing is a true and correct copy of an invoice of cargo shipped by their firm on board the bark Sea Bride, which vessel was seized and captured by the confederate steamer Alabama, in Table Bay, Cape of Good Hope, one of the colonies of the kingdom of Great Britain; that the said firm lost thereby the property above set forth, and that they were worth to said firm, at the time of the capture, a sum exceeding the amount stated in the invoice.

RUFUS GREENE.

In testimony whereof, I have hereunto set my hand and notarial seal, at Boston, this 15th day of December, A. D. 1863; and the said Rufus Greene has also affixed his name, having solemnly sworn to the truth of the foregoing declaration.

[SEAL.] GEORGE H. FOLGER,
Notary Public and Justice of the Peace.

PORT OF CAPE TOWN.

On this 6th day of August, in the year of our Lord 1863, before me, Walter Graham, consul of the United States of America for Cape Town and the dependencies thereof, personally appeared Charles F. White, master of the bark Sea Bride, of Boston, of the burden of $447\frac{2}{95}$ tons or thereabouts, and declared that on the 2d day of May he sailed in and with the said ship from the port of New York with general cargo, and arrived off Table Bay on the evening of the 4th instant, and having been captured so close to the shore by the confederate steamer Alabama, hereby enters this note of protest against said capture as illegal, reserving his right to extend said protest at time and place convenient, if found necessary.

CHARLES F. WHITE,
Master of Bark Sea Bride.

Attested:
WALTER GRAHAM,
United States Consul.

And be it further made known, that on this 7th day of August aforesaid, together with the above-named Charles F. White, master, also came John Schofield, chief mate, and Richard White, 2d mate, of and belonging to said bark, who declared, on oath, that on the 28th day of May last past, in their capacity aforesaid, they sailed in and with the said bark from the port of New York, laden with general cargo, and bound to the port of Table Bay; that they proceeded on their voyage without any particular occurrence until noon of the 3d instant, when they sighted Table Mountain and made for Table Bay, but on the night of the 4th instant, on account of the darkness, they deemed it advisable to keep off for the night, but on the morning of the 5th they stood in for the land. At about 2 p. m. they saw a steamer coming towards them, which they considered to be the English mail steamer, but they soon found her to be the confederate steamer Alabama. A gun was fired and a demand was made to heave to, which as they, the said appearers, did not comply with, another gun was fired, and the commander of said steamer threatened to shoot them if they refused. The bark was then hove to. Two boats were lowered from the steamer and sent on board the boat, when the officer in charge of them ordered one of his crew to haul down the flag, and ordered the captain to take his papers on board the Alabama, which was done at about a quarter before three, when the position of the bark was as follows: Green Point light-house bearing south by east; Robben Island light-house bearing north-east.

The said appearers did further protest against the said capture as illegal. Said bark was at the time in neutral waters, or, according to bearings, within three miles of the land.

And these appearers did further allege, declare, and say that they, together with others of the ship's company, used their best endeavors to bring the said bark into Table Bay, but were prevented by said capture.

CHARLES F. WHITE, *Master.*
JOHN SCHOFIELD, *1st Mate.*
RICHARD R. WHITE, *2d Mate.*

Thus done and protested before me, Walter Graham, United States consul at Cape Town, this 7th day of August, 1863.

WALTER GRAHAM,
[SEAL.] *United States Consul.*

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts, Suffolk, ss:

I, George H. Folger, a notary public, duly commissioned and sworn in and for the county aforesaid, do certify the foregoing to be a true and exact copy of the protest of bark Sea Bride, with the signature and seal of the United States consulate at Cape Town, now before me.

In testimony whereof, I have hereunto set my hand and notarial seal at Boston, this 15th day of December, A. D. 1863.

GEORGE H. FOLGER,
[SEAL.] *Notary Public.*

[Extract from the Cape Argus of September 19, 1863.]

THE ALABAMA AGAIN IN SIMON'S BAY—HER DOINGS ON HER RECENT CRUISE—SALE OF THE SEA BRIDE AND HER CARGO.

[From our special correspondent.]

SIMON'S BAY, *September* 18, 1863.

Here we have the Alabama once more lying at her anchorage within three hundred yards of Grout's Hotel, and within pretty nearly the same distance off Hood Bay, just on the other side of the point. We have the federal Vanderbilt cruising about in search of the famous confederate. So it would appear that if there has not been actual fighting outside, as it was reported there had been, the steamers have been within an ace of coming into collision.

The arrival of the Alabama has created quite a stir throughout the place. It seems as if there was something doing once more. The officers are on shore stretching their legs a bit, and enjoying themselves in various ways, and on board all hands are at work cleaning, painting, and trimming the ship. There have been a hundred stories afloat since the Alabama left and the Vanderbilt arrived, as to the movement of the ships. And although there was no truth in the rumor of a fight having taken place a day or two ago, nor in a good deal besides that has been said about the Alabama, it appears that rumor was pretty well informed on a few points, and especially with regard to the Sea Bride and the Tuscaloosa. With a view of ascertaining the exact state of the facts, I took a run down here on Thursday evening, found Captain Semmes on board his ship, and heard from his own lips an account of what he has done since he left the bay, what has become of his prizes, and what his future movements are likely to be.

It appears that when he left False Bay he resolved to spend a few days in looking after federal merchantmen coming from the east, and thinking L'Aquillas the most likely place to fall in with them, he took up a position off that point. The Tuscaloosa and the Sea Bride had been previously ordered to go to Angra Pequena.

The object of sending the Tuscaloosa there was to get wool taken out of her and replaced by ballast, and then to send her cruising as before. Captain Semmes had previously had an offer for the Sea Bride which he resolved to accept. He says that his desire was, and is, to observe strictly the laws of neutrality, and to do nothing which can possibly give offense to the British authorities. Angra Pequena belongs as much to Captain Semmes as to the British government, or perhaps anybody else, and any transaction there could give no ground of complaint to Governor Wodehouse, Admiral Walker, or the imperial government.

A day was fixed for both the Tuscaloosa and Sea Bride to be at anchor in the harbor of Angra Pequena. Upon that day Captain Semmes took in the Alabama, met the parties who had made him the offer for the Sea Bride, and completed the sale of her. When sold, the Sea Bride was taken away. The wool was taken out of the Tuscaloosa and landed. The Tuscaloosa was ballasted, went to sea again, and is now cruising not very far off the land. Captain Semmes then returned to his position off L'Aquillas bank, but not a single federal merchantman made her appearance. He boarded, while there, sixteen ships, but all were English cargoes. The following is a list of them:

August 15. English bark Saxon, Algoa Bay to Cape Town. 17th. English ship Broughton Hall, Bombay to Liverpool; medical aid being required on board her, Assistant Surgeon Llewellyn was sent to render it. 19th. English ship Camperdown, Madras to London. 20th. English bark Durban, Natal to London. 22d. Overhauled a bark showing Dutch colors. 23d. English ship Sarawak, Bombay to Liverpool. 24th. Dutch bark Maria Elizabeth, Batavia to Amsterdam. 28th. English schooner Flower of Yarrow, Ichaboe to Cape Town. September 3d. English ship Punjaub, Kurrachee to London. 4th. English bark Isle of May, Ceylon to London, by signal. 8th. English ship Nahant, Bombay to Liverpool. 9th. Saw a bark showing English colors; English ship Cameronian, Calcutta to London; English ship Flora, Manilla to Liverpool. 12th. Exchanged colors with an English bark.

The wool taken out of the Tuscaloosa at Angra Pequena is now on its way to a market, where Captain Semmes did not tell me, and it being no business of mine, nor, so far as I am aware, of anybody else except himself, I did not think fit to inquire. He does not himself know precisely where the Sea Bride is gone, but he made no secret as to her purchaser.

Captain Semmes told me that he was particularly annoyed that certain parties should have endeavored, immediately his back was turned, by means of false statements, to bring him into collision with the naval authorities at Simon's Town and the governor of the colony. He says that so far from having done anything that could possibly give offense, he has studiously avoided every act that could possibly be construed into a breach of the law.

The story told by the person who piloted the Alabama into Saldanha Bay on the occasion of her first visit is contradicted both by Captain Semmes and the officers of the ship. The pilot stated that Captain Semmes had agreed to give him £20 to take in the ship, and afterwards refused to pay him more than £3. The truth is, that when Captain Semmes saw the little coasting vessel commanded by the person who acted as pilot, he sent an officer on board her to ask where Saldanha Bay was. The captain of the coaster asked the officer to take him on board the steamer, which the officer consented to do. Nothing was said about pilotage, but when the captain of the coaster got on board the Alabama he began to give such directions as a pilot would have given, and was allowed to take the ship into the bay. When the ship was at anchor, Captain Semmes asked him what was his charge for pilotage. That was the first time payment was spoken of. Neither £20 nor any other sum had been promised. The man replied that he did not know. Captain Semmes then asked what was the charge for pilotage at Table Bay or Simon's Bay; the man said he did not know. He was repeatedly asked to name a sum, but declined to do so. Captain Semmes then called an officer who had been a commander of a British ship on the English coast, and asked what would be the charge for piloting the Alabama into an

English port. The officer replied it would be about £2. Captain Semmes then said to the pilot, suppose we say £3. The man made no reply, but went below with an officer who was to take a receipt for the money; when he got below the man seemed to take a second thought, for he said he would not take so small a sum as £3. A federal commander, a little while before, had paid him £20, and he did not see why he should not have £20 now. That sum Captain Semmes declined to pay, but says that if the man had asked him for £5, £6, £7, or £8, he would have given it at once, and would never have thought of fixing the amount himself if the pilot had not declined to do so.

Up to the time that he came into Simon's Bay, Captain Semmes did not know that the Vanderbilt had arrived here. He had been within sight of the land for four days, but saw nothing whatever of her. He thinks the Vanderbilt much too heavy for him, but is by no means alarmed at finding himself so near her. He says he is pretty comfortable where he is, and expects the Kadre round from Table Bay with about two hundred tons of coal, which he intends to take in. If the Vanderbilt should happen to come in while he is here, he will insist upon his right to have twenty-four hours' start. If she stops outside, she must keep a proper distance from the headlands of False Bay; and as False Bay is sixteen miles across, he thinks there will be plenty of room for him to get out without running foul of the Yankee.

In commenting upon the probable consequences of an encounter with the Vanderbilt, Captain Semmes spoke with modesty of the power of his own ship. He said that although the machinery of the Vanderbilt would be a good target, in fighting with a steamer it is not so easy to escape having a broadside. He found that to be the case with the Hatteras. Although he disposed of her pretty easily, it was as much as he could do to prevent her from giving him a broadside. The plan he adopted with the Hatteras was to use his large Blakely gun from the stern of his ship, and that gun did the work. The gun is an 85-pounder, and he thinks that his only chance with the Vanderbilt will be to use it upon her machinery. His opinion is, that the Vanderbilt has very much greater speed than the Alabama, and that it will be impossible for him to get away from her. He does not intend to go and look for her; but he says that if he has to fight her he will do his best.

He expects to leave False Bay about Monday next. He would not have come back to Simon's Bay now, but his condensing apparatus got out of order. A few days after leaving Simon's Bay, and when about four days at sea, he found that the condenser did not act properly. It did not take more than one-third of the salt out of the water. Captain Semmes was consequently compelled to put the men upon an allowance. Upon arriving at Angra Pequena he obtained from a person there sixteen casks of water, and that quantity sufficed for the return voyage to Simon's Bay. The repairs of the condenser are nearly completed, and as soon as the coal is on board the Alabama will be ready to take her final departure from the Cape of Good Hope. Captain Semmes says that it is not probable that when once he gets away we shall see his face again for some time to come.

It was rumored in town yesterday that the honorable Mr. Field, the collector of customs, had received a letter from Saldanha Bay, stating that the Vanderbilt had anchored there. On inquiry, we found that this was not true. She is still cruising just outside the Cape.

[Extract from the Cape Town Advertiser and Mail.]

THE ALABAMA'S LAST PRIZE.

A very nice and knotty point is now under consideration by the governor—whether the Sea Bride is, or is not, a lawful prize to the Alabama, or whether the confederate has not been guilty of a breach of neutrality in capturing the federal bark at a point so near to British land. We understand, indeed, that two or three puzzling points are raised, some of them depending on mere ordinary evidence for settlement, and others requiring for their solution a reference to Vattel and the law of nations. First, then, what is the range to which extends the territorial waters of British possessions? To this the general reply is a league, based on the fact, as Vattel declares, that it was considered the utmost range of cannot shot in the olden time when he wrote. Has this been in any way affected by the greater projectile force of Armstrongs and Whitworths? The second question is, assuming the legal distance to have been three miles, was the Sea Bride at the time of her capture within that range of the nearest British land? This is entirely a case of evidence, and the governor has been yesterday engaged in obtaining the best testimony bearing on the subject. The third is a nicer problem than either of the other two. On Wednesday night the bark is alleged by some of her crew, who were still on board, to have drifted in within two miles of the light-house; while on Thursday she stood in again, and is alleged was clearly within British waters. How far then does this constitute a breach of neutrality, or how far does it support a claim to have the validity of the capture impugned? What answer will be given to all these queries by the governor, or what further steps he may think fit to take in consequence of them, is of course unknown. Both sides, however, may rely upon it that he will exert himself to the utmost to maintain a strict neutrality, and to secure fair and even-handed justice to all the parties concerned.

THE ALABAMA AND THE LAW OF NATIONS.

To the Editor of the Advertiser and Mail:

SIR: The capture of a federal vessel by a confederate steamer within sight of a British port, and as some contend even in British waters, raises an interesting discussion as to the international legality or illegality of the proceeding. It is to be hoped that some of your numerous correspondents, legal or mercantile, interested, whether theoretically or practically, in the important point at issue, will not fail to enter on the inciting field of inquiry. Will any one having access to the authorities and the ability to deal satisfactorily with the task, kindly oblige your readers by letting them know the exact state of the law on the question? We hear, on all sides, that three miles is the limit from shore within which the Sea Bride could have claimed the protection of the British flag; but is this undisputed, and where is the precise distance laid down in black and white? Or is it derived merely by reasoning from analogy—by varying cannon-range, for instance, hereafter mentioned?

I do not pretend to enter into the matter to advocate one side or the other, but in answer to the question just put, "Is this an undisputed rule?" would take the liberty of referring to a work published by Lord Mackenzie (one of the judges of the court of session in Scotland) late in 1862, late enough, in fact, to have the advantage of treating also of the other international question arising out of the seizure of the Trent by

the federal San Jacinto, in November, 1861. Lord Mackenzie there says, (p. 152,) "The parts of the sea near the coast being in some degree susceptible of property, and of great importance to the safety of the country, are held by the modern law of nations to be comprehended within the territory of the State to which the coast belongs. To what distance a nation may extend its rights over the sea by which it is surrounded is a problem which has been a fruitful source of controversy, and is not easily determined. By most publicists the whole space of sea within cannon-shot of the coast is considered a part of the territory of the state, and for that reason a vessel captured within range of the cannon of a neutral port is not a lawful prize."

According to this legal authority, then, the latest as far as we know, the limit is not reckoned by "miles," but a limit of power reckoned by "cannon-range." And this seems in accordance with the doctrine of property in the sea laid down by Grotius, ("De Jure Bell. et Pac." K.K. 2, ch. 3, sec. 13–2,) who says, "that the empire of a portion of the sea belongs to a territory in so far as those who sail on that part of the sea can be compelled from the shore as if they were on land." This would seem materially to alter the features of the case. It raises the question, could a cannon planted at the furthest point of British dominion at the Cape, whether that point be (in theory) the stoop of the most projecting marine villa at Sea Point or the opposite coast of Robben Island, have thrown a ball, not alone into the Alabama, (for she may have kept out of reach,) but into the Sea Bride, at any moment, from the commencement of the chase to the capturing close?

I may mention that, in course of conversation subsequently on board the Alabama, I put the question to Captain Semmes as to what the limit was. His reply was three miles. Is it not rather, I asked again, within cannon-range? "That is just it," was his significant reply; in the olden days the "cannon-range" was taken as three miles. But cannons have improved and cannon-ranges much increased since those olden days, *vide* Blakeley's rifled five-miler, on the Alabama's very decks; and thus, in now interpreting the term "cannon-range," must we not, making allowance for this, assume the case of the most powerful piece of artillery modern science has invented? The question, then, if Mackenzie is to be relied on, comes to this: Would such a cannon, placed on the furthest projecting point of Anglo-African land in the vicinity of the scene of capture, have rescued the Sea Bride?

I am sure I only speak the sentiments of many who are anxious to get exact and reliable information on an interesting subject, when I express the hope that some local Vattel will take up the question, treating it first on general principles of dominion in the sea, and then with reference to the particular subordinate case of the Alabama and Sea Bride.

[Extract from the Advertiser and Mail.]

CONFEDERATE CAPTURE.

CAPE TOWN, *August* 10, 1863.

The governor has decided, in reply to the representations of the American consul, that the bark Sea Bride was a legitimate prize to the confederate cruiser Alabama. This decision has, of course, dissatisfied the protesters, and some of them indulge in rather tall talk of the manifest one-sidedness of British authorities, and of the terrible retribution that

will one day befall them for it. That they should be dissatisfied is natural enough, and no one can refuse his sympathy to men who have lost so much so unexpectedly, and within so near a reach of perfect safety. But we cannot see how his excellency could have acted in any other way. He had, in the first place, the conflicting testimony of the captors and the captured; the former declaring that they were more than three miles from the shore, and the latter less. He therefore discarded both, and determined to rely upon the best official evidence he could procure from competent professional eye-witnesses on shore. Those whom he selected for that purpose, we believe, were the signal-men on the Lion's Rump, and the keeper of the two light-houses at Green Point and the Morville. The former had a perfect bird's-eye view of the whole affair, and it is his daily business to estimate and report to town the distance of vessels entering the bay. The two others, though not quite so practiced as the signal-man in such matters, have had frequent experience in the same judging distance sort of drill, and all three concurred in the opinion that the Sea Bride at the time of her capture was about four or five miles from the nearest point of shore, and that she was between four and six miles from the nearest point of Robben Island. With facts like these the governor could hardly have done otherwise than to adjudicate as he did; and yet it must be remembered that his adjudication is by no means final. If the American representatives can procure reliable evidence assigning a position to the bark within the territorial waters of the colony, it is quite within their power to avail themselves of it, and through their government to adduce it before the court of St. James, in London. The imperial government will thus have the whole case fully before them; and should it then appear that injustice had been done, there can be no doubt that ample redress will be given, and the question be fairly and equitably disposed of. The whole affair, however, it must not be forgotten, is one simply of evidence, and as far as the evidence taken hitherto has gone it seems to point very clearly against the claimants. The American residents here naturally complain, and with some bitterness, of what they consider the manifest sympathy which was shown with the confederate cause, in the person of the confederate Commander Semmes, to an extent inconsistent with the neutrality which we profess. On this it must be remarked that much, if not most, of the enthusiasm shown was the result of mere curiosity, combined with that hero-worship which, for all sorts of apparent heroism, whether true or spurious, springs up instinctively in the human heart. At the same time, however, it cannot be denied that the extraordinary pluck displayed by the Confederate States, while fighting for their independence, has gained for them a sympathy which wholly overlooks the original grounds and origin of the strife. Such sympathy as this it is impossible to repress. Proclamations and decrees are powerless to oppose it, and are never intended to interfere with it. When we say, therefore, that we are neutral—and such undoubtedly the government of the Cape of Good Hope has in the present instance shown itself to be—it is true that a few official persons were foolish enough to show their own excessive sympathy with the confederate commander, but their indiscretion was quickly checked by the governor personally, who felt that by some of the steps proposed to be taken by them the neutrality of his government might be seriously compromised. Since the departure of the Alabama yesterday morning, two American vessels entering Table Bay had a narrow escape. They were, however, warned off by some boats in the offing, and were wide-awake enough to hug the shore so closely as to put the neutrality of their position beyond dispute. While

entering Table Bay again yesterday, another American, the Martha Wentzel, was seized, but was quickly liberated on its being clearly shown that at the time of her capture she was within the protection of the claimed league from the shore.

The confederate sailing schooner Tuscaloosa put into Simon's Bay yesterday after effecting a capture off the coast within the last week or two. This was a China vessel, the Santa, bound for England; but having a British cargo on board, she was released on giving bond for a ransom of $150,000. The Tuscaloosa gave chase to another clipper, the Snow Squall, and got near enough to fire into her. The fugitive, however, outstripped her in speed and got clear away.

In connection with this it will be interesting to the commercial world to know that Captain Semmes lays it down as a rule that whenever a *bona fide* British cargo is found on board an American bottom, the vessel is always released on payment of a ransom. In every other case the prize is remorselessly burnt and sunk. In addition to this, it may be stated that for all his numerous captures he has to give account, and establish a condemnation before an admiralty prize court in the Confederate States. It is, therefore, his invariable rule to make a provisional, but formal, inquiry into each individual case as it arises, and record all the circumstances of it, and to register and preserve the evidence on which his provisional condemnation is based. Some of these judgments and other matters we shall publish in our mail issue next week.

THE STEAMER ALABAMA AND THE PRIZE BARK SEA BRIDE.

The steamer Alabama still remains in Table Bay. The Alabama, if the weather moderates, will probably leave for Simon's Bay this morning. She has taken in some supplies, such as biscuits, &c., and Mr. Cornhusk is preparing some boiler plates and other articles which are necessary for the repair of her machinery. Captain Semmes has not left his vessel (except to pay a complimentary visit to her Majesty's ship Valorous, and the East India and London Company's steamer Lady Jocelyn) since his arrival here, and will not land at Cape Town. He is thoroughly alive to the paramount importance of the work he is engaged in, and puts off all idea of relaxation and repose until the war is over and he may be able to draw a long breath. It was his intention to proceed to sea yesterday to take out of the Sea Bride such supplies as he wants, and then to burn her; but the severe weather of yesterday has prevented this. The American consul and the colonial government are meanwhile in correspondence respecting the legality of Captain Semmes's proceedings on Wednesday. The consul has put in the protest of the captain and mate of the Sea Bride, to prove that he was within two miles and a half of land, and therefore in neutral waters, when seized by the Alabama. The government, on the other hand, has got the statements of the signal-man on the Lion's Rump that the bark was four miles off land, and of Captain Bissell, Mr. Wollarton, and others, that she was more than three miles distant, and therefore beyond the neutral line. The consul, in addition to the protest alluded to, has received the evidence of the steward and seamen of the Sea Bride who were left on board at the capture until Thursday. They state that on Wednesday night a signal was made from the Alabama to burn the bark, and that tar-barrels were placed at different parts of the vessel, and ammunition piled in the cabin and forecastle for that purpose; but a subsequent signal from the

Alabama seemed to countermand the order, and the bark lay on and off the port. At one time she was within one mile of Greenpoint light-house, and at another time about two miles from land, which is also considered contrary to the rules of neutrality, which provides that no prize is to be taken into British waters. The consul has asked that the prize be taken possession of by the Valorous until the question of legality is decided. The government, however, do not feel at present disposed to attempt any interference either with Captain Semmes or his prize.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 586.] LEGATION OF THE UNITED STATES,
London, January 28, 1864.

SIR: Though not important in themselves, yet, as making a part of the record, I have the honor to transmit—

1. A copy of Lord Russell's note of the 14th instant, acknowledging the reception of mine of the 13th, which with the papers was transmitted with my No. 576, of the 15th instant.

* * * * * * *

4. A copy of his lordship's note of the 23d instant, acknowledging mine of the 20th, transmitted with my No. 581 of the 22d.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 14, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, inclosing copies of a letter from the consul for the United States at Liverpool, and of three depositions relative to the case of the Alabama, and I have the honor to inform you that these papers have been communicated to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 23, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, inclosing copies of papers relating to the case of the bark Sea Bride, of Boston, captured by the Alabama; and I have to state to you that these papers shall be considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 835.] DEPARTMENT OF STATE
Washington, February 6, 1864.

SIR: I transmit the copy of a dispatch of the 5th of December last, from Mr. W. R. G. Mellen, the consul of the United States at Port Louis, Mauritius, relative to the capture of the American ship Sea Bride by the piratical steamer Alabama. When you have sufficient information you will represent it to the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Mellen to Mr. Seward.

No. 17.] CONSULATE OF THE UNITED STATES OF AMERICA,
Port Louis, Mauritius, December 5, 1863.

SIR: In my dispatch No. 15, dated November 5, 1863, I stated what I knew, and had sufficient reasons for believing, of the fate of the American ship Sea Bride. This vessel, it will be remembered, was captured by the Alabama in or off Table Bay. Whether she was first taken, as reports affirm, to some point on the west coast of Africa, I know not; but it is certain, as was stated in my dispatch above referred to, that she was subsequently brought to Foul Pointe, Madagascar. Her cargo was then shipped on board the brig Reward, of and for this port; but the brig, soon after putting to sea, sprang a leak, was forced into St. Mary's, a French port, where she has been condemned; while another vessel has been dispatched from this place to bring forward what was originally the Sea Bride's cargo. A citizen of the island, who is the master of a small vessel trading between here and Madagascar, stated boastfully, in the presence of two American shipmasters, a few days since, that he had been several times on board the Sea Bride; that the man who had bought the cargo would make $60,000 by the transaction; that he himself had bought the ship at the merely nominal price of $6,000.

After gathering what information I could, and with the hope of eliciting more, I addressed a letter to the colonial government, stating the facts, and dwelling particularly upon the confession of the buyer, and asking, as I am certified was done in an exactly similar case at Cape Town, that the said shipmaster, one A. Baillon, be examined under oath as to his knowledge of and complicity with these improper transactions. This request General Johnstone, the officer administering the government, saw fit to refuse, on the twofold ground that "no action, whether civil or criminal, is competent to the government in any court of the colony" in the premises; and that if any proceedings could be instituted, Mr. Baillon could not be examined, as he might thereby commit himself.

Immediately after the reception of this letter I addressed another one to the colonial government, in which I endeavored to show that, by aiding in the disposal of a captured *uncondemned* ship and cargo, some of her Majesty's subjects at Mauritius had, to all intents and purposes, been levying war against the United States; for the disposal of the property in question was but the completion of a hostile act—as much a part of that act as the capture of the vessel, or the placing of a prize crew on

board. Still further, that, according to British decisions, the *disposal* of such a captured, uncondemned ship and cargo, whatever might be said of the original seizure, was simply piracy—that it was just for such an offense as this that the notorious Captain Kidd was hung. If, therefore, what Baillon confessed, what I could easily prove he had confessed, were true, which I thought there would be little difficulty of showing by other evidence, it followed that he was in collusion with pirates, if he had not himself been guilty of piracy. I therefore renewed my request for his arrest and examination, remarking that it would be strange if in a British colony a British subject could openly boast of piracy, and yet the government be unable to visit him with its displeasure; and that it would be still more singular if his open confession of the offense were to bar proceedings against him!

In reply, a poor attempt was made to convict me of some verbal inconsistencies. I was assured the government had seen no reason to change its determination, and that, inasmuch as the British government had recognized the confederates as belligerents, it could not regard them or their cruisers as pirates; entirely overlooking the fact that it was on the *disposal* of the uncondemned property, which no commission can justify, and not on its original capture, that I based the charge of piracy.

Since the reception of the last-named letter, I have not had time to prepare a reply. I shall do so in a very few days, and bring the subject to the attention of his excellency Sir Henry Barkly, who has just entered the gubernatorial office here. True, Baillon has now left the colony, though he may soon return; while the cargo of the Sea Bride will probably reach him in two or three weeks.

In accordance with the purpose intimated to you in my dispatch of November 5, I addressed, soon after, a letter to the minister of foreign affairs of the Malagash government, in which I briefly stated the condition of affairs in the United States, rehearsed the facts which had come to my knowledge concerning the Sea Bride, and strongly remonstrated against any consent to or connivance with such transactions, warning the Malagash government that no such disposal of captured, uncondemned American property in that island would be tolerated, but that the property would be reclaimed and reparation demanded at the earliest opportunity. I also requested that the Sea Bride, if still within Malagash jurisdiction, should be seized by the authorities of that government and held subject to my order, as the nearest representative of American interests. Sufficient time has not elapsed to show what the effect of this letter will be. I trust it will be good.

The relation of these things illustrates still more clearly what I have several times before had the honor of bringing to your notice, the importance of having some recognized agent of the United States in Madagascar, and also the very great importance of having some armed force to protect our interests in these waters. Not, so far as trustworthy intelligence has reached me, that any confederate cruisers are east of the Cape of Good Hope, though a report, to which I give no credit, makes two of them in the Bay of Bengal.

Supposing, from what I learned about three weeks ago, that a portion of the cargo of the Sea Bride would be landed on the island of Reunion, where we have no consul, I took the liberty, for reasons similar to those which induced me to write the Malagash government, to address a letter to his excellency the governor of that island, relating the facts concerning the Sea Bride so far as I had then learned them, remonstrating against his allowing said merchandise to be sold in Reunion, and requesting his good offices to enable me to get possession of either vessel

or cargo, if either or any portion of the latter should arrive at Reunion. His reply gives no intimation of what course he would adopt under the circumstances; it is feared not a very friendly one.

I have thus, sir, given you an account of what I have done, or what I have attempted to do, to hinder the disposal of this uncondemned American property, and to protect the rights of my countrymen hereabouts. If I have erred in any respect, the error has not been one of intention. If my conduct in these respects meets approval, I shall be glad to know it. At the same time I respectfully solicit instructions for the future.

I have the honor to be, sir, your very obedient servant,

W. R. G. MELLEN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Adams to Mr. Seward.

No. 597.] LEGATION OF THE UNITED STATES,
London, February 12, 1864.

SIR: I have the honor to transmit a copy of Lord Russell's note to me of the 8th instant, in response to my note to him of the 20th ultimo, on the case of the Sea Bride, which was reported to you in my dispatches No. 581 of the 22d, and 586 of the 28th of January.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 8, 1864.

SIR: With reference to my letter of the 23d ultimo, I have the honor to state to you that her Majesty's government have had under their consideration your letter of the 20th ultimo, and its inclosure, respecting the capture of the bark Sea Bride, of Boston, by the Alabama; and I have now to inform you that the governor of the Cape of Good Hope, in the neighborhood of which colony this vessel was seized, has reported himself satisfied, by the evidence adduced before him, that the capture in question was not made within British jurisdiction, and her Majesty's government, upon perusal of that evidence, have arrived at a similar conclusion.

With respect to the claim founded upon the general argument set forth in your letter of the 23d of October last, which you are instructed to present, her Majesty's government have only to repeat that they, in every respect, and most advisedly, adhere to the answer which they have on former occasions had the honor to address to you, in reply to that argument.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 599.] LEGATION OF THE UNITED STATES,
London, February 18, 1864.

SIR: * * * * * * *

More or less discussion of American affairs has been held in the House of Lords through the past week. I endeavor to send to you printed reports of them in the most complete form, as they appear in the Times.

* * *

The publication of the correspondence concerning the claims made for the ravages committed by the Alabama appears to create some excitement. The paper of Historicus on the subject, in the London Times, (see Times of February 17,) is herewith transmitted. Whatever may be the degree of confidence with which that claim is resisted, so far as the original outfit is concerned, there is perceptible embarrassment in regard to the subsequent acknowledgment and reception of that vessel in British ports. I should not be surprised if some prohibitory course were before long adopted.

The first symptom of this may, perhaps, be found in the orders sent to Cape Town, which have resulted in the detention, at Simon's Bay, of the bark Conrad, captured by Captain Semmes, and converted into the Tuscaloosa. I have the honor to transmit a copy of a letter from Mr. Graham, the consul at Cape Town, dated the 4th of January, and of the accompanying papers. It would seem from this that the extraordinary legal opinion pronounced by the official attorney at that place has been disavowed by the Crown lawyers, and that both the bark Conrad and the cargo of the Sea Bride, so far as found, are to be restored to the legitimate owners. This decision, though obviously nothing more than is just and proper, will create both surprise and consternation among the official people in the British dependencies, who have heretofore been under an impression that the government would be languid in the enforcement of its obligations. I am encouraged to hope that the lesson which the Alabama teaches will ultimately inure to our benefit, by compelling this government to take such measures with the so-called authorities at Richmond as may either abridge their facilities of carrying on the war from this kingdom, or bring down on them a sharper penalty for their perseverance.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For debate above referred to, see Parliamentary and Judicial Appendix, No. 19. For letter of Historicus referred to, see General Appendix, No. 8.]

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, January 4, 1864.

SIR: The Conrad, *alias* Tuscaloosa, arrived in Simon's Bay, in this colony, on the 27th of December, 1863, having been on a cruise between this place and Brazil since she discharged her cargo of wool at Angra

Pequena. She reported having seen over one hundred vessels on her cruise, only two of which were American. One of these two outsailed her after a chase of two days; the other, named the Golden Age, she captured, and afterwards released upon the master giving a bond to the amount of $180,000. On the 28th, the next day after the Tuscaloosa arrived here, I received the following letter:

"COLONIAL OFFICE, *December* 28, 1863.

"SIR: I am directed by the governor to acquaint you that the Tuscaloosa, having again arrived in Simon's Bay, will, under instructions lately received from her Majesty's government, be retained under her Majesty's control and jurisdiction until properly reclaimed by her original owners.

"I have the honor to be, sir, your most obedient servant,

"RAWSON W RAWSON,

"*Colonial Secretary.*

"WALTER GRAHAM, Esq.,

"*United States Consul.*"

To this I briefly replied, that I was content to have the vessel remain in the present custody until I received special instructions from her owners in regard to her; because, though I could institute a proceeding *in rem* without special authority from them, I could not receive actual restitution of the *res* in controversy without such authority. But I added, that if, at any time hereafter, it should be determined to give the vessel up to any party other than the owners, I desired to be apprised of the fact in due season to commence a proceeding *in rem* in the vice-admiralty court here. I also said, I hoped his excellency would see that the decision of the British imperial government covered as well the goods belonging to the Sea Bride, which were seized at the custom-house here, and that he would be pleased to announce that they also were held subject to the order of the original owners.

I have not yet received any reply; but as the suit I have brought against the colonial government was to establish a principle which the home government has already conceded in the case of the Tuscaloosa, there is now little necessity for prosecuting the suit, especially as the value of the goods claimed is of small account.

I have the honor to be, sir, your most obedient servant,

WALTER GRAHAM, *Consul.*

Hon. CHARLES FRANCIS ADAMS,
Envoy Extraordinary, &c., &c., &c., London.

P. S.—January 5. Last evening I received the following letter:

"COLONIAL OFFICE, *January* 4, 1864.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of the 29th ultimo, and to state that, in compliance with your application, the Tuscaloosa will, for the present, be retained in charge of officers of her Majesty's government. His excellency is quite prepared to comply with your request respecting the forfeited goods, said to have been part of the cargo of the Sea Bride.

"I have the honor to be, sir, your most obedient servant,

"RAWSON W. RAWSON,

"*Colonial Secretary.*

"The UNITED STATES CONSUL."

W. G.

Mr. Adams to Mr. Seward.

[Extract.]

No. 606.] LEGATION OF THE UNITED STATES,
London, February 26, 1864.

SIR: Lord Russell was so much engaged yesterday that he could not spare me much time for the discussion of any subject. I therefore made my representations as brief as possible.

* * * * * *

The most important matter of all I brought up in connection with your No. 835, of the 6th instant. I remarked upon the extraordinary manner in which the question of the Alabama was perpetually breeding new complications. Apropos to the question raised by the consul at the Mauritius as to the probable arrival there of a portion of the cargo of the Sea Bride, I took the occasion to express a hope that the British government would before long be induced to adopt some stringent measures upon the proceedings of that vessel in the ports of the British dependencies. It seemed as if the officers and people in those distant places considered themselves as having the right to apply the principles of neutral law with the utmost latitude of which they were susceptible to aid these operations. His lordship observed that the matter had been under the careful consideration of the law officers, who found the questions that arose of some novelty as well as difficulty. They hope, however, to mature something before long—he could not at this moment say what. I then alluded to the proceedings at Cape Town and Simon's Bay as having given me much encouragement, especially the detention of the Tuscaloosa. He replied that on that point the law officers had come to a different conclusion, so that the Tuscaloosa would not be detained. He had addressed a dispatch to Lord Lyons instructing him to explain this to the government at Washington. In that case, I remarked, that I should say no more about this subject.

I next proceeded to say that, judging from the arguments in one of the late articles of the writer who signs himself "Historicus," in the Times, and from some hints which had been reported to me by Mr. Evarts as having falling from eminent counsel here, I had reason to believe that the propriety of having ever admitted the Alabama at all into British ports was now much questioned. It had been objected, on the other hand, that no remonstrance based upon such an idea had ever been made to the British by the American government. In respect to this I felt it my duty to observe that, however acceptable such a step as her exclusion would have been at any time, the reason why it had not been pressed was, that by the act of consenting to receive the Alabama in Kingston, in Jamaica, after her action with the Hatteras, and permitting her to refit and supply herself at that port, we had considered the British government as having given her a positive recognition, and having assumed the responsibility for the consequences of that sanction. From that time it had never occurred to me that a persistence in a contrary line of argument could be just or proper on our part. But if I could be permitted to understand that there was any inclination to reconsider the proceeding, or that any action on the part of my government would be likely to lead the way to an opposite decision, I knew nothing that it would give them and myself more satisfaction to undertake.

His lordship said that I was right in my construction of the course taken in the reception of the vessel at Kingston. It was adopted after deliberation, under the belief that she had been commissioned by the

confederates. Hence there could be no occasion for any further representations. There was no change in their position on that subject.

Furthermore, I added, were it a fact that the British government contemplated the adoption of a more rigid rule toward the Alabama, it seemed to me much better to await the event as a spontaneous act, than by any effort at interposition to entail upon it a possible interpretation of concession to a demand. His lordship assented to this at once. All that was left me to say in addition was, that after hearing out of doors what I had done, it seemed absolutely essential to preclude any inference that might be drawn in favor of abstaining from action of the kind suggested, purely because no emergency for it had been exerted on the side of my government.

* * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March* 9, 1864.

SIR: Her Majesty's government have been informed that a large quantity of coal, belonging to Messrs. William Anderson, Saxon & Co., British merchants, was carried off from Angra Pequena by the United States ship Vanderbilt, when that ship visited the place in the month of October last, and seized there the British vessel Saxon.

Her Majesty's government have directed me to state to you that they cannot doubt that the government of the United States will immediately make to the owners of this coal full compensation for the value thereof, as well as for any loss they may have sustained by the unlawful act of the commander of the Vanderbilt in appropriating it for the use of that vessel.

Her Majesty's government have been unable to find, in the reports which have reached them, any justification of this violent act, or any excuse for it, and they have accordingly commanded me to address to you, in their name, a direct remonstrance against it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 16, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of the 9th instant, relative to a quantity of coal taken from Angra Pequena by the United States steamer Vanderbilt, which coal is claimed as the property of Messrs. William Anderson, Saxon & Co., British merchants.

Upon inquiry at the Navy Department, it has been ascertained that

the Vanderbilt did take on board a quantity of coal at the place, which, as it had notoriously been sent thither to supply the insurgent steamer Alabama, there was every reason to suppose was insurgent property If, however, the claimants will show that it was sent for a different purpose, and that, in point of fact, it was their property, a fair price will be paid for the article.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 626.] LEGATION OF THE UNITED STATES,
London, March 18, 1864.

SIR: I have the honor to transmit a copy of an official document printed for the use of Parliament, containing "correspondence respecting the Tuscaloosa."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[See General Appendix, No. 10, for this inclosure.]

Mr. Dudley to Mr. Seward.

[Extract.]

No. 251.] UNITED STATES CONSULATE,
Liverpool, April 1, 1864.

SIR: * * * * * * *

The wages of the men serving on the pirate steamer Alabama were again paid day before yesterday here, in Liverpool, by M. G. Klingender & Co., to the wives and families of the men. They pay their wages monthly, about the 29th or 30th of each month.

* * * * * * *

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 898.] DEPARTMENT OF STATE,
Washington, April 5, 1864.

SIR: I transmit herewith a copy of a dispatch of the 5th of February last, No. 6, from the United States consul at Mauritius, respecting the case of the American ship Sea Bride. If the view taken by the governor of his instructions in regard to the treatment of uncondemned captured cargoes, or parts thereof, is correct, you are expected to point out the defectiveness of those instructions, and ask to have so far corrected as may be just and necessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Mellen to Mr. Seward.

No. 6.] CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 5, 1864.

SIR: In my dispatches Nos. 15 and 17, of 1863, I informed you of the efforts then making by the confederates and their agents hereabouts to dispose of the American merchant ship Sea Bride and her cargo, captured by the Alabama in or off Table Bay. I also informed you of the steps I had taken to prevent the improper sale of the said ship and cargo, and to reclaim them for their lawful owners, should either or both of them reach this port. Having, towards the latter part of last month, gathered what information I could, and all that it was likely I should be able to obtain before action was necessary, I addressed the honorable colonial secretary a letter, of which inclosure No. 1 is a copy. A copy of his reply you have in inclosure No. 2, to which I rejoined in a communication of which inclosure No. 3 is a copy.

What more is possible for me to do, except to wait and watch and avail myself of any possible chance for interference after the arrival of the said cargo, I do not see. A suit in admiralty would be almost interminable, very expensive, and, if unsuccessful, would render me liable to a suit for heavy damages. It seems probable, therefore, that I shall be doomed to see the pirated property of my countrymen sold within a stone's throw of my office, with no power to prevent it. Not a very pleasant spectacle.

The narrative of these things affords another illustration of the necessity of a man-of-war in these waters. One such vessel could so easily have retaken the Sea Bride and her cargo; could exert so excellent an influence over the semi-civilized authorities of Madagascar and in all this region, that it is greatly to be deplored that none is here; and when the Mohican was at Cape Town, especially as the facts concerning the Sea Bride had been communicated by me to the consul there, and were by him laid before the captain of the Mohican, it seems unaccountable that that vessel did not extend its cruise to Madagascar and Mauritius. It is to be hoped that Captain Glissa had sufficient to justify his conduct in turning back. Still I can but hope that some other vessel from our now very large navy may very soon appear in the Indian Ocean.

I have the honor to be, sir, your most obedient servant,

W. R. G. MELLEN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

No. 1.

Mr. Mullen to the Colonial Secretary.

CONSULATE OF THE UNITED STATES OF AMERICA,
Port Louis, January 27, 1864.

SIR: In my letter to you, dated December 8, 1863, I informed you that in a certain contingency I should have the honor of calling your attention again to the same subject, and of requesting the action of the colonial government for the protection of American interests. Allow

me briefly to state the grounds and the object of the interference demanded:

1. Some time during the month of September, 1863, there arrived at Foul Pointe, Madagascar, an American vessel which had been captured by the so-called confederate cruiser Alabama, but which had not been condemned by any competent prize court.

2. This vessel was the Sea Bride, of 447 tons register, belonging to Boston, United States of America, and owned by C. F. White, of said city.

3. On her arrival at Foul Pointe, or when first seen by my informers, she was under the Hamburg flag, and had the name "Helen" upon her stern, which had been recently painted.

4. While the said vessel was lying at Foul Pointe, one Christopher Elmstine, who represents himself as a British subject, resident at Cape Colony, and who also represents himself to be the owner of the so-called Helen's cargo, chartered the brig Reward, of this port of Port Louis, to convey the said cargo to this place.

5. This cargo, as appears by the bills of lading, copies of which are herewith inclosed, and the originals of which are at any time producible, was an assorted one, consisting of flour, tobacco, hams, &c., &c., &c.

6. A large part, if not all, of this cargo was transhipped directly from the so-called Helen to the Reward without having been landed.

7. Having received her cargo, the said Reward started on her voyage towards this port, but, springing a leak, was compelled to put into St. Marie, where the said Reward was condemned and the merchandise placed in store.

8. Soon after disposing of her cargo, the Sea Bride, *alias* Helen, appeared in the port of St. Marie, having then no name upon her stern, and flying the so-called confederate flag.

9. The aforesaid Christopher Elmstine having arrived on this island, and having learned the fate of the Reward and the position of her cargo, chartered of the same agent or owner another vessel, called the Sirene, to proceed to St. Marie and bring hither the aforesaid cargo.

10. The said Sirene sailed from this port on the 6th instant, and may therefore, should circumstances be usually favorable, be expected to return here somewhere from the first to the tenth of next month.

11. The witnesses on whom I rely to substantiate the truth of these statements are Messrs. Gustave Hugen, late master of the said Reward, Adolph Cardier, late first mate of said Reward, the honorable commandant of St. Marie, and a seaman named Henri Clarence, now on his way to Cork, but whose affidavit I expect from there immediately on his arrival. He was for a considerable period on board the Sea Bride, *alias* Helen, and can depose to the identity of the two.

12. I have the honor to lay before you these facts to indicate the evidence by which they can be proved, to point out to you the evidently piratical act committed by those who have thus sought to appropriate uncondemned American property. It becomes my duty, also, to point out to you the breach of neutrality already committed by the said Christopher Elmstine, one of her Majesty's subjects, and the still further breach of neutrality threatened in bringing the aforesaid uncondemned merchandise to this port for sale.

13. As a private individual, I beg to inform you of these acts and purposes, and to ask for the vindication of her Majesty's laws.

14. As the representative of American interests in this island, I beg to call your attention to them, and respectfully to demand the interference of the colonial government for the protection of these interests,

and the seizure of the aforesaid merchandise immediately upon its arrival, until the question of its legal ownership is determined.

I have the honor to be, sir, your very obedient servant,

W. R. G. MELLEN,
United States Consul.

The Hon. the ACTING COLONIAL SECRETARY, *&c., &c., &c.*

No. 2.

Mr. Rushworth to Mr. Mellen.

COLONIAL SECRETARY'S OFFICE,
Mauritius, February 3, 1864.

SIR: In reply to your further demand for interference by this government, made in your letter of the 27th ultimo, concerning the disposal of the cargo of the American ship Sea Bride, captured by the confederate cruiser Alabama, I have the honor, by direction of his excellency the governor, to inform you that his excellency has, by recent instructions, been apprised that her Majesty's orders, while authorizing the restoration to their proper owners of uncondemned cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters, or of the captured vessels themselves, do not apply to the articles which may have formed part of any such cargoes if brought within British jurisdiction not by armed ships or privateers of either belligerent, but by other persons who may have acquired, or may claim, property in them by reason of any dealings with the captors.

I have the honor to be, sir, your most obedient servant,

EDWARD RUSHWORTH,
Acting Colonial Secretary.

The CONSUL FOR THE UNITED STATES OF AMERICA, *&c., &c., &c.*

No. 3.

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 4, 1864.

SIR: Your reply of the 3d instant to my letter of the 27th ultimo, demanding the interference of the colonial government in regard to the disposal of the cargo of the American ship Sea Bride, captured by the so-called confederate cruiser Alabama, has been received. You will pardon me for saying that my regret is equalled only by my astonishment at the seemingly evasive and altogether unsatisfactory character of your communication. Though there be little hope that anything which may be added can induce his excellency the governor to reconsider and reverse his decision, yet I should fail in my duty were I not to urge upon his attention what seems to me sufficiently valid reasons for his doing so, and to present to him my formal and solemn protest against the determination which he has announced.

You inform me that his excellency has, by recent instructions, been apprised "that her Majesty's orders, while authorizing the restoration

to their proper owners of uncondemned prize cargoes of every kind which may be brought by any armed ship or privateer of either belligerent into British waters, or of the captured rebels themselves, do not apply to the articles which may have formed part of any such cargoes if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired, or may claim, property in them by reason of any dealing with the captors."

Of course, as I am not in possession of the "recent instructions" referred to, I am bound to accept your summary of them on this point as correct; but I must express my surprise at them; for if an unbroken cargo, coming within British jurisdiction uncondemned, should be returned to its lawful owners, it is difficult to say why a portion of such cargo should not be. If a captured cargo brought into a British port in a belligerent vessel, or in the vessel in which it was captured, should be surrendered to the real owners, then why not when brought here in some other vessel, into which it may have been transhipped merely for the purpose of covering an illicit transaction? Can the mere transhipment divest the true owner of his property? If the title to capture property cannot vest in the captors previous to its condemnation, then how can they, who themselves have no title to it, convey one to others, especially when the latter are perfectly well aware of the character of the merchandise they are purchasing? It seems, therefore, that a wide distinction in action is here made, where there exists little, if any, distinction in principle. Since informed of the seizure of the Tuscaloosa at Cape Town under special instructions from the imperial government, I had confidently expected that his excellency would find therein a safe precedent for him to follow in the seizure of the cargo of the Sea Bride. And remembering how the first decision of the governor of Cape Colony, in regard to the seizure of the Tuscaloosa, was reversed, I do not wholly despair of a similar result in regard to what seems to me the equally unhappy decision of his excellency the governor of Mauritius concerning the cargo of the Sea Bride.

I beg to call his excellency's very serious attention to the grave consequences which must naturally result from his decision. If the principle he has adopted be correct, I see not why Mauritius is not open as a market for any and all uncondemned captured merchandise which the so-called confederate cruisers may send here. Captain Semmes may dispense with his mock prize court, whose sessions are held in the cabin of the Alabama, the only prize court which the confederates have yet instituted; for he has only to sell his captured cargoes to British subjects, who, transhipping them into British bottoms on the high seas, may immediately bring them, and without peril, to this port. Indeed, he may convey his prizes to a point just outside the recognized three-mile line from the shore, and in plain sight thereof, where a nominal sale and an actual transhipment could be effected, all the operations of which may be directed from the land, and in a few hours after the merchandise may be spread upon the quays of this port. Credible information has reached me, through a person in communication with those who are endeavoring thus piratically to appropriate the cargo of the Sea Bride, that there are other captured American cargoes in a similar situation, the present holders of which are waiting to see what will be the result of the shipment of the Sea Bride's cargo hither, to determine whether it will be safe for them to try the same market. It is certainly lamentable (I wish it could be characterized by no harsher phrase) that these persons are thus to be advertised that they are at liberty to prosecute their thievish

purposes on this island. I am accordingly constrained respectfully to present to his excellency my official and solemn protest against the decision he has announced.

1. I protest against it as making an unreal distinction between an unbroken captured cargo arriving in an armed vessel, or the vessel in which it was captured, and a broken cargo reaching here in an unarmed ship, or in some other than that in which it was captured.

2. I protest against it as at variance with the universally recognized principle of public law, that no title can vest in or be given to captured merchandise previous to its condemnation.

3. I protest against it as leading to results so grave and disastrous as to make the principle on which it rests absurd.

I have the honor to be, sir, your very obedient servant,

W. R. G. MELLEN,
United States Consul.

The Hon. the ACTING COLONIAL SECRETARY, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 653.] LEGATION OF THE UNITED STATES,
London, April 8, 1864.

SIR: I have just received a letter from Mr. Mellen, consul at Mauritius, covering copies of his correspondence with the authorities at that place on the subject of the cargo of the Sea Bride down to the 1st of March. I infer from his language that he has already furnished the same to the department, so that I hesitate to send them. Neither shall I venture to make any representations here until I receive information and instructions from you.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 664.] LEGATION OF THE UNITED STATES,
London, April 21, 1864.

SIR: In regard to your directions contained in your No. 898, of the 5th instant, I am somewhat embarrassed by the course which the proceedings in the case of the Sea Bride have heretofore taken. By reference to my dispatch No. 606, of the 26th of February last, you will perceive that I inferred from the language of Lord Russell to me that his views, on all questions in relation to that vessel and her cargo, were to be communicated to you through Lord Lyons.

Since then Mr. Mellen has sent to me copies of his correspondence with the colonial authorities at the Mauritius, which come down to a later date than those which you have received and transmitted with your present dispatch. I presume the later papers will have reached you about the same time with my No. 653, of the 8th instant, on the same subject.

Inasmuch as this case is in some respects peculiar, I have concluded,

before doing anything, to await your judgment after a full view of the correspondence. There is no injury likely to happen from delay. It seems to me as if something more would be necessary than merely to bring the matter to the attention of this government. As some nice legal distinctions may be involved in the positions to be taken, I should be glad to have some line of instructions to know how far to go.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 916.] DEPARTMENT OF STATE,
Washington, April 22, 1864.

SIR: I have your dispatch of April 8, No. 653, which relates to the proceedings at Mauritius, in the matter of the cargo of the Sea Bride. It will be well, I think, to defer a representation on that subject until a season more propitious than the present one.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 675.] LEGATION OF THE UNITED STATES,
London, April 29, 1864.

SIR: I transmit a copy of the London Times of the 27th, containing a report of a debate in the House of Lords on the subject of the Tuscaloosa. Some of the *animus* displayed in it is of a purely party nature. Underneath it, however, is the temper prevalent in men of that class—hostile to the United States, and anxious to seize every opportunity to injure them in the public estimation. Lord Russell, in his reply, has for the first time ventured to expose that a little.

The same subject was brought up in the House of Commons last evening. A report of that debate is printed in this morning's Times, a copy of which I likewise transmit. The same phenomena were elicited as in the Lords, with only the customary difference of earnestness in the demonstration. Considering how untenable the proposition at issue was, the majority is not over-large.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For debate commented on see Parliamentary and Judicial Appendix, No. 20.]

Mr. Seward to Mr. Adams.

No. 930.] DEPARTMENT OF STATE,
Washington, April 30, 1864.

SIR: I have now received from Mr. Mellen, United States consul at Mauritius, dispatches which bring the narrative of proceedings in rela-

tion to the cargo of the Sea Bride down to the 4th day of March last. I am thus enabled to comply with the request for instructions concerning that case which was made by you in your No. 653, dated April 8.

I have no doubt that the case is one in which the owners have a right to indemnity for the sale of their property, in violation of law, at the Cape of Good Hope, and for the reception of it at Mauritius. At the same time I think it expedient to refrain from presenting the claim until the present political excitement at London shall have subsided. If your own judgment accords with mine you will let the matter rest until you receive a special instruction.

You will consider yourself authorized to present the claim whenever you shall think that it can be submitted without aggravating existing embarrassments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *May* 24, 1864.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me on the 16th March last, respecting the coals carried off from Angra Pequena by the United States ship Vanderbilt.

Her Majesty's government conceive that if those coals were, at the time they were taken, the property of the British mercantile firm of William Anderson, Saxon & Co., that firm is entitled to compensation for them. In proof of their being the owners of the coals, Messrs. Anderson, Saxon & Co. have produced the original bill of lading, which I have the honor to transmit to you herewith. They have, moreover, sent particulars of the claim to agents at New York, and I trust you will authorize me to inform those agents that it may be sent in, and that, if the particulars be found to be correct, it will be promptly satisfied.

I beg you to be so good as to send the bill of lading back to me.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c.*, *&c.*, *&c.*

William Anderson, Saxon & Co. shipped in good order and condition, by, in, and upon the good ship called the Earl of Marr and Kellie, Captain J. Still, now riding at anchor in Table Bay and bound for Angra Pequena, two hundred and fifty tons coal, (to be taken from alongside the ship within ten days, at the expense and risk of the consignee, the captain rendering all assistance in his power in landing the coals,) being marked and numbered as in the margin, and are to be delivered in the like good order and condition, at the aforesaid port of Angra Pequena, (the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever, excepted,) unto order, or to my assigns. Freight for the said goods being paid here, say 20 shillings per ton, without primage

and average accustomed. In witness whereof, the master or purser of the said ship hath affirmed to four bills of lading, all of this tenor and date, one of which bills being accomplished, the other three to stand void.

JOHN STILL.

Dated in Cape Town, September 3, 1863.

Received a quantity of coals, weight unknown.

THOS. BOYCE,
For Anderson, Saxon & Co.

Mr. Adams to Mr. Seward.

No. 720.] LEGATION OF THE UNITED STATES,
London, June 16, 1864.

SIR: The Alabama is at last announced as having arrived at Cherbourg. Her condition requires extensive repairs, permission to make which has been applied for.

Meanwhile her commander, like many American officers, thinks proper to indulge his fancy for writing in the newspapers. I transmit a copy of the Times of this morning, containing a long letter from him, as well as a commentary upon it in the editorial column. I am not sure that a succession of such productions might not, in the end, correct much of the tendency in England to sympathize with the rebel cause.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For inclosure see General Appendix, No. 9.]

Mr. Dudley to Mr. Seward.

No. 302.] UNITED STATES CONSULATE,
Liverpool, June 21, 1864.

SIR: The pirate Alabama has at last met the fate she deserves. She was sunk by the United States steamer Kearsarge, commanded by Captain Winslow, off of Cherbourg, on Sunday morning last, after a fight of one hour. We only have here at Liverpool the confederate account of the action. I send you slips cut from the London Times, Liverpool Courier, Daily Post, and Mercury, of to-day, giving all that is known about it. It has formed the main topic of conversation for the last two days. There is much regret among the merchants that she is lost. At least nine out of every ten persons deplore it. Captain Semmes was expected here to-day. While I write a large crowd of persons are gathered on change to welcome him. It is proposed to give him an ovation, but I think the more prudent and thoughtful will back out, and thus prevent it. Semmes has not arrived in town, and my information is that he is not coming for some days. You will see by looking over the reports that her Majesty's subjects composing the crew were properly cared for at the sailor's home, on their arrival at Southampton. It is also worthy of note that the best practice on the Alabama during the action was shown by the gunners who had been *trained on board*

her Majesty's war vessel the Excellent, in Portsmouth harbor. The English steamer Deerhound was on hand to render assistance to the Alabama, and appears to have taken an active part in rescuing and running away with the officers and men belonging to this English piratical craft, built at the same yard, by the same persons, and at the same time that the Deerhound was built.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 724.] LEGATION OF THE UNITED STATES,
London, June 21, 1864.

SIR: You will have received before this arrives, from other sources, the gratifying intelligence of the destruction of the Alabama by the Kearsarge, which took place on last Sunday morning. Mr. Dayton did me the favor to send the news by telegraph to me a few hours after it happened, so that I was enabled to be the first to announce it to a few loyal Americans who happened to be at my house on that evening.

I transmit copies of the various morning newspapers, which contain long accounts of the affair as drawn up exclusively from rebel sources. The conduct of the master of the British yacht in aiding the escape of the commander and a part of the crew will doubtless attract your attention. Thus far I have no direct information from Captain Winslow or any other source upon which I could base a representation to this government, if disposed to make one. I incline rather to collect testimony and await instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No 726.] LEGATION OF THE UNITED STATES,
London, June 23, 1864.

SIR: The popular excitement attending the action between the Alabama and the Kearsarge has been considerable. I transmit a copy of the Times of this morning, containing a report made to Mr. Mason by Captain Semmes. It is evidently intended for this meridian.

The more I reflect upon the conduct of the Deerhound, the more grave do the questions to be raised with this government appear to be. I do not feel it my duty to assume the responsibility of demanding, without instructions, the surrender of the prisoners. Neither have I yet obtained directly from Captain Winslow any authentic evidence of the facts attending the conflict. I have some reason to suspect that the subject has already been under the consideration of the authorities here.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For report of Captain Semmes see General Appendix, No. 9.]

Mr. Dudley to Mr. Seward.

[Extract.]

No. 305.] UNITED STATES CONSULATE,
Liverpool, June 24, 1864.

SIR: * * * * * * * *

The Alabama was built by one of their best builders, no pains or expense was spared in her construction; she was armed with what they supposed to be their best guns, and manned by British seamen, trained on their war vessels and belonging to the royal naval reserve. She was in every sense an English vessel, and was regarded as superior to anything of her size in our navy. I have learned within a day or two that all the active secessionists of Liverpool knew the fight was coming off for some days before it took place. It was an understood thing, and arranged by the confederate authorities in this country. They expected, and their English friends were confident, that the Alabama would annihilate the Kearsarge. Hence their mortification and disappointment at the result.

* * * * * * * * * *

I am, sir, very respectfully, your obedient servant,
THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *June* 24, 1864.

SIR: In a note which I had the honor to write to you on the 24th ultimo, I stated that I trusted that you would authorize me to inform the agents of Messieurs William Anderson, Saxon & Company that the claim of that firm for payment for coals taken from Angra Pequena by the United States ship Vanderbilt might be sent in, and that if the particulars were found to be correct, it would be promptly satisfied.

In the answer which you did me the honor to address to me, on the 25th ultimo, you observed that perhaps these particulars might make the case more clear. In order to place them before you, I forward to you herewith a letter addressed to you by Messieurs Anderson, Saxon & Company, which has been sent to me by the agents under flying seal, and also a bill giving the particulars as to the quantity of coals taken, and the sum demanded in payment.

With regard to the remark made in your note, that it would be desirable to know for what purpose, and at whose instance, the coals were sent on board the Saxon, from Cape Town to Angra Pequena, as well as to the statement in your previous note of the 16th of March, that the coals had notoriously been sent to supply the steamer Alabama, it is my duty to inform you that her Majesty's government are unable to assent to the position, that if the coals were sent to supply the Alabama, the owners of them would be disentitled to compensation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Messrs. Anderson, Saxon & Co. to Mr. Seward.

CAPE TOWN, CAPE OF GOOD HOPE,
December 3, 1863.

SIR: We have this day sent to Messrs. C. J. and F. W. Coggill, of New York City, instructions, and a power of attorney, to act for us in the settlement of a claim against the United States government for coal taken by the United States steamer Vanderbilt, which we transmitted to you through Walter Graham, esq., United States consul at this port.

Should you decide to pay the bill, the Messrs. Coggill will draw upon the Treasury Department, or otherwise, as you may direct.

We have the honor to be, sir, your most obedient servants,

WM. ANDERSON, SAXON & CO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

I, Walter Graham, consul for the United States at Cape Town, do hereby certify that the signature above written is genuine, and that the power of attorney referred to has been shown to be, and that it is, a genuine document in all respects.

In witness whereof, I have hereunto affixed my signature and the seal of this consulate, this 3d day of December, 1863.

WALTER GRAHAM,
United States Consul, Cape Town.

The United States Government to Wm. Anderson, Saxon & Co., Dr.

1863.

November 23.—To two hundred and fifty tons coal taken from Penguin Island, by the boats and crew of the United States steamer Vanderbilt, by order of Captain Baldwin, on the 31st of October last, at £6 per ton £1,500

CAPE TOWN.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 27, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 24th of June, together with the letter of Anderson, Saxon & Co., in regard to coals taken by the United States ship Vanderbilt from Angra Pequena.

I regret that the parties interested in the claim for payment for this coal have not thought it proper to furnish information of the purpose for which the coal was sent to a place convenient for the resort of pirates, and outside of the jurisdiction of maritime nations. I have also to regret that her Majesty's government, as you inform me, are unable to assent to the position that if the coal was sent to supply the Alabama, the owners would be disentitled to compensation.

This government, under the circumstances, considers information upon this fact to be material before it can deem it proper to admit the claim.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 731.] LEGATION OF THE UNITED STATES,
London, June 28, 1864.

SIR: As I learn from the dispatch agent that a bag is about to be forwarded by to-morrow's steamer, I seize the opportunity to transmit a copy of a note which I have addressed to Lord Russell on the conduct of the Deerhound in the late action. After receiving from Captain Winslow a copy of his official report to the Secretary of the Navy, I deemed it best to place the information at once in the hands of the British government, so that it might, if it thought best, respond, in anticipation of instructions, in a conciliatory tone. A copy of the actual reply of his lordship is subjoined.

I regret to perceive that it is evasive in character, and marked by his less agreeable tone.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 25, 1864.

MY LORD: I feel it my duty to submit to your consideration a copy of the official report of Captain Winslow, of the United States steamer Kearsarge, to the Secretary of the Navy, respecting the action which took place on Sunday last with the vessel first known at Liverpool as the gunboat No. 290, and since under the name of the Alabama.

It would appear from this statement that a grave question has arisen as to the fact of the interference of a British vessel, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who had already surrendered themselves as prisoners of war. These persons have been brought to this kingdom, and are believed to be in readiness to enter again into the same service, on the first opportunity. Thus the system, heretofore so frequently brought to your lordship's notice, of making this island the base of hostile operations against the commerce of the United States, is in danger of being carried on under a still more aggravated form.

I have the honor likewise to transmit a list of the names and official character of the persons who were picked up by the yacht Deerhound and brought to this island. I feel it my duty to call your attention to the remarkable proportion of officers and of American insurgents in this list as compared with the whole number of persons rescued from the waves. That this selection was made by British subjects with a view to connive at the escape of those particular individuals from captivity I can scarcely entertain a doubt.

Inasmuch as the questions involved in this proceeding appear to me of a character too serious to justify my proceeding further without specific instructions, I shall now content myself with simply submitting these papers for the information of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Captain Winslow to Mr. Welles.

No. 211.] UNITED STATES STEAMER KEARSARGE,
Cherbourg, France, June 21, 1864.

SIR: I have the honor to report that towards the close of the action between the Alabama and this vessel all available sail was made on the former for the purpose of again reaching Cherbourg. When the object was apparent, the Kearsarge was steered across the bow of the Alabama for a raking fire, but before reaching this point the Alabama struck. Uncertain whether Captain Semmes was not making some ruse, the Kearsarge was stopped.

It was seen shortly afterwards that the Alabama was lowering her boats; and an officer came alongside in one of them to say that they had surrendered and were fast sinking, and begging that boats would be dispatched immediately for saving of life. The two boats not disabled were at once lowered, and, as it was apparent the Alabama was settling, this officer was permitted to leave in his boat to afford assistance.

An English yacht, the Deerhound, had approached the Kearsarge at this time, when I hailed and begged the commander to run down to the Alabama, as she was fast sinking, and we had but two boats, and assist in picking up the men. He answered affirmatively, and steamed toward the Alabama; but the latter sank almost immediately. The Deerhound, however, sent her boats, and was actively engaged, aided by several others which had co e from the shore.

These boats were busy in bringing the wounded and others to the Kearsarge, whom we were trying to make as comfortable as possible, when it was reported to me that the Deerhound was moving off. I could not believe the commander of that vessel could be guilty of so disgraceful an act as taking our prisoners off, and, therefore, took no means to prevent it, but continued to keep our boats at work rescuing the men in the water.

I am sorry to say that I was mistaken. The Deerhound made off with Captain Semmes and others, and also the very officer who had come on board to surrender.

I learned subsequently that the Deerhound was a consort of the Alabama, and that she received on board all the valuable personal effects of Captain Semmes the night before the engagement.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. WINSLOW, *Captain.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

List of officers and men belonging to the Alabama who were picked up by the British yacht Deerhound and landed at Southampton.

Captain, Semmes; lieutenants, Kell and Sinclair; lieutenant, Howell, (marines;) sailing-master, Bullock; midshipmen, Maffit and Anderson; master's assistants, G. T. Fullam, J. Evans, M. Meulvier, and Schrader; engineer, O'Brien; gunner, Cuddy; captain's clerk, Smith; petty officers, J. Broesman, W. Crawford, W. Purdy, J. Dent, B. Johnson, C. Seymour, C. Sleeson, J. Connor; firemen, O. Duffy, J. Foxton, W. Levins, M. Macfarland, J. Mason; seamen, T. McMillan, F. Townshend, R. Masters, G. Redman, W. Angel, W. McClellan, W. Hearn, L. Depoys, A. Pfiffer, F. Lennan, J. Mahan, P. Wharton, T. Kehoe, R. Longshaw.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 27, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, complaining of the interference of a British vessel, the Deerhound, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who you state had already surrendered themselves prisoners of war, and calling my attention to the remarkable proportion of officers and American insurgents as compared with the whole number of persons rescued from the waves. You state, further, that you can scarcely entertain a doubt that this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity.

I have the honor to state to you, in reply, that it appears to me that the owner of the Deerhound, of the royal yacht squadron, performed only a common duty of humanity in saving from the waves the captain and several of the crew of the Alabama. They would otherwise, in all probability, have been drowned, and thus would never have been in the situation of prisoners of war.

It does not appear to me to be any part of the duty of a neutral to assist in making prisoners of war for one of the belligerents.

I shall, however, transmit to the owner of the Deerhound a copy of your letter and its inclosures, together with a copy of this letter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 734.] LEGATION OF THE UNITED STATES,
London, June 30, 1864.

SIR: Much discussion has taken place in the public journals here of the conduct of the commander of the yacht Deerhound in the late action between the Kearsarge and the Alabama.

I send you a copy of the Daily News of the 29th instant, containing his defense; likewise a copy of the Telegraph of the 24th, upon the proposal to present a sword to Captain Semmes. As appearing in that press this article is exceptional and rather surprising. On the whole, that scheme has not found much favor with the public. A few sympathizers may nevertheless contribute, in private, money enough to perpetrate the folly.

Large enlistments of men are meanwhile going on. They are sent to the continent to the Rappanannock, and perhaps other vessels preparing elsewhere. The mortification at the loss of the Alabama seeks an outlet in threats of what is to be done by some substitute hereafter. The feeling that the crew was English, and the gunners had been trained in the service, forms a cord of affiliation which may lead to important consequences hereafter.

As yet we hear nothing of the Niagara. I have received news from the consul at Cape Town that the Sacramento is on her way here. It may not be a bad thing to have some such vessels at hand.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Daily News of June 29, 1864.]

THE DEERHOUND, THE ALABAMA, AND THE KEARSARGE.

To the Editor of the Daily News:

SIR: As two correspondents of your journal, in giving their versions of the fight between the Alabama and the Kearsarge, have designated my share in the escape of Captain Semmes and a portion of the crew of the sunken ship as "dishonorable," and have moreover affirmed that my yacht, the Deerhound, was in the harbor of Cherbourg before the engagement, and proceeded thence on the morning of the engagement in order to assist the Alabama, I presume I may trespass upon your kindness so far as to ask for an opportunity to repudiate the imputation and deny the assertion. They admit that when the Alabama went down, the yacht, being near the Kearsarge, was hailed by Captain Winslow and requested to aid in picking up the men who were in the water; but they intimate that my services were expected to be merely ministerial; or, in other words, that I was to put myself under the command of Captain Winslow, and place my yacht at his disposal for the capture of the poor fellows who were struggling in the water for their lives. The fact is, that when we passed the Kearsarge the captain cried out, "For God's sake do what you can to save them," and that was my warrant for interfering in any way for the aid and succor of his enemies. It may be a question with some whether, without that warrant, I should have been justified in endeavoring to rescue any of the crew of the Alabama; but my own opinion is that a man drowning in the open sea cannot be regarded as an enemy at the time to anybody, and is therefore entitled to the assistance of any passer-by. Be this as it may, I had the earnest request of Captain Winslow to rescue as many of the men who were in the water as I could lay hold of, but that request was not coupled with any stipulation to the effect that I should deliver up the rescued men to him as his prisoners. If it had been I should have declined the task, because I should have deemed it dishonorable—that is, inconsistent with my notions of honor—to lend my yacht and crew for the purpose of rescuing those brave men from drowning only to hand them over to their enemies for imprisonment, ill-treatment, and perhaps execution. One of your correspondents opens his letter by expressing a desire to bring to the notice of the yacht clubs of England the conduct of the commander of the Deerhound which followed the engagement of the Alabama and Kearsarge. Now that my conduct has been impugned, I am equally wishful that it should come under the notice of the yacht clubs of England, and I am quite willing to leave the point of "honor" to be decided by my brother yachtsmen, and, indeed, by any tribunal of gentlemen. As to my legal right to take away Captain Semmes and his friends, I have been educated in the belief that an English ship is English territory, and I am, therefore, unable even now to discover why I was more bound to surrender the people of the Alabama, whom I had on board my yacht, than the owner of a garden on the south coast of England would have been if they had swum to such a place and landed there, or than the mayor of Southampton was when they were lodging in that city; or than the British government is now that it is known that they are somewhere in England.

Your other correspondent says that Captain Winslow declares that "the reason he did not pursue the Deerhound or fire into her was that he could not believe at the time that any one carrying the flag of the royal yacht squadron could act so dishonorable a part as to carry off

the prisoners whom he had requested him to save, from feelings of humanity." I was not aware then, and I am not aware now, that the men whom I saved were or ever had been his prisoners. Whether any of the circumstances which had preceded the sinking of the Alabama constituted them prisoners was a question that never came under my consideration, and one which I am not disposed to discuss even now. I can only say that it is new doctrine to me, that when one ship sinks another in warfare, the crew of the sunken ship are debarred from swimming for their lives and seeking refuge wherever they can find it, and it is a doctrine which I shall not accept unless backed by better authority than that of the master of the Kearsarge. What Captain Winslow's notion of humanity may be is a point beyond my knowledge, but I have good reason for believing that not many members of the royal yacht squadron would, from "motives of humanity," have taken Captain Semmes from the water in order to give him up to the tender mercies of Captain Winslow and his compatriots. Another reason than that assigned by your correspondent for that hero's forbearance may be imagined in the reflection that such a performance as that of Captain Wilkes, who dragged two "enemies" or "rebels" from an English ship, would not bear repetition. Your anonymous correspondent further says that "Captain Winslow would now have all the officers and men of the Alabama as prisoners had he not placed too much confidence in the honor of an Englishman, who carried the flag of the royal yacht squadron." This is a very questionable assertion; for why did Captain Winslow confide in that Englishman? Why did he implore his interference, calling out, "For God's sake do what you can to save them?" I presume it was because he could not or would not save them himself. The fact is that if the captain and crew of the Alabama had depended for safety altogether upon Captain Winslow, not one-half of them would have been saved. He got quite as many of them as he could lay hold of time enough to deliver them from drowning.

I come now to the more definite charges advanced by your correspondents, and these I will soon dispose of. They maintain that my yacht was in the harbor of Cherbourg for the purpose of assisting the Alabama, and that her movements before the action prove that she attended her for the same object. My impression is that the yacht was in Cherbourg to suit my convenience and pleasure, and I am quite sure that when there I neither did, nor intended to do, anything to serve the Alabama. We steamed out on Sunday morning to see the engagement, and the resolution to do so was the result of a family council, whereat the question "to go out" or "not to go out" was duly discussed, and the decision in the affirmative was carried by the juveniles rather against the wish of both myself and my wife. Had I contemplated taking any part in the movements of the Alabama, I do not think I should have been accompanied with my wife and several young children. One of your correspondents, however, says that he knows that the Deerhound did assist the Alabama, and if he does know this he knows more than I do. As to the movements of the Deerhound before the action, all the movements with which I was acquainted were for the objects of enjoying the summer morning, and getting a good and safe place from which to watch the engagement. Another of your correspondents declares that since the affair it has been discovered that the Deerhound was a consort of the Alabama, and on the night before had received many valuable articles for safe-keeping from that vessel. This is simply untrue. Before the engagement neither I nor any of my family had any knowledge of or communication with either Captain Semmes or any of his officers, or

any of his crew. Since the fight I have inquired from my captain whether he or any of my crew had had any communication with the captain or crew of the Alabama prior to meeting them on the Deerhound after the engagement, and his answer, given in the most emphatic manner, has been, "None, whatever." As to the deposit of chronometers and other valuable articles, the whole story is a myth. Nothing was brought from the Alabama to the Deerhound, and I never heard of the tale until I saw it in an extract from your own columns. After the fight was over, the drowning men picked up, and the Deerhound steaming away to Southampton, some of the officers who had been saved began to express their acknowledgments for my services, and my reply to them, which was addressed also to all who stood around, was: "Gentlemen, you have no need to give me any special thanks. I should have done exactly the same for the other people if they had needed it." This speech would have been a needless, and indeed an absurd, piece of hypocrisy, if there had been any league or alliance between the Alabama and Deerhound.

Both your correspondents agree in maintaining that Captain Semmes and such of his crew as were taken away by the Deerhound are bound in honor to consider themselves still as prisoners, and to render themselves to their lawful captors as soon as practicable. This is a point which I have nothing to do with, and therefore I shall not discuss it. My object in this letter is merely to vindicate my conduct from misrepresentation; and I trust that in aiming at this I have not transgressed any of your rules of correspondence, and shall therefore be entitled to a place in your columns.

I am, &c.,

JOHN LANCASTER.

HINDLEY HALL, *Wigan*, *June* 27.

The following correspondence between Mr. Mason and Mr. Lancaster, the owner of the Deerhound, has been forwarded to us for publication:

"24 UPPER SEYMOUR STREET, PORTMAN SQUARE,
"*London*, *June* 21, 1864.

"DEAR SIR: I received from Captain Semmes at Southampton, where I had the pleasure to see you yesterday, a full report of the efficient service rendered under your orders by the officers and crew of your yacht, the Deerhound, in rescuing him, with thirteen of his officers and twenty-seven of his crew, from their impending fate, after the loss of his ship.

"Captain Semmes reports that, finding the Alabama actually sinking, he had barely time to dispatch his wounded in his own boats to the enemy's ship, when the Alabama went down, and that nothing was left to those who remained on board but to throw themselves into the sea. Their own boats absent, there seemed no prospect of relief, when your yacht arrived in their midst, and your boats were launched; and he impressively told me that to this timely and generous succor he, with most of his officers and a portion of his crew, were indebted for their safety. He further told me that on their arrival on board the yacht every care and kindness were extended to them which their exhausted condition required, even to supplying all with dry clothing.

"I am fully aware of the noble and disinterested spirit which prompted you to go to the rescue of the gallant crew of the Alabama, and that I can add nothing to the recompense already received by you and those acting under you in the consciousness of having done as you would be done

by; yet you will permit me to thank you, and, through you, the captain, officers, and crew of the Deerhound, for this signal service, and to say that, in doing so, I but anticipate the grateful sentiment of my country and of the government of the Confederate States.

"I have the honor to be, dear sir, most respectfully and truly, your obedient servant,

"J. M. MASON.

"JOHN LANCASTER, Esq., *Hindley Hall, Wigan.*"

"HINDLEY HALL, NEAR WIGAN,
June 24, 1864.

"DEAR SIR: I am in due receipt of your esteemed favor of the 21st instant, and am gratified to find that the timely aid we rendered with the yacht Deerhound to the gallant captain and officers and crew of the Alabama has met with your approval. I shall always look back to that event with satisfaction, however much we may regret the result which necessitated my interference.

"Yours, very respectfully,

"JOHN LANCASTER.

"Hon. J. M. MASON."

To the Editor of the Daily News:

SIR: The royal yacht squadron, to which Mr. Lancaster, it appears, belongs, are bound, as a court of honor, to examine the accusation of the captain of the Kearsarge, "that the yacht was bound to surrender the men saved from the sea as prisoners to the United States ship."

The royal yacht squadron has the privileges (signified by the right of flying a special burgee and the white ensign) of a British man-of-war in British ports. The same were conceded in French ports (as I recollect) by King Louis Philippe. The ships, when the Alabama was sinking, were either at sea or in French waters. The Alabama had sent a boat to say she had struck, but no boat had come in return to take possession. The naval history gives similar facts in the days of Nelson and Collingwood. With this state of things it seems the yacht was a part of England, and could with honor give refuge to drowning men. As the prize was not taken possession of, she could not have been adjudicated upon by any court, for the *res ipsa* or *corpus* was not in the possession of the court or captor whence it could come to the court. The Queen in council has given the rights of belligerents to the South. It seems, then, clear that, as belligerents, the crew could swim or by boats reach the yacht, as they could have swum to the English or French shore. Mr. Lancaster need not, if this reasoning is correct, appeal to humanity, but law, to justify himself. On the contrary, had a boat's crew been sent on board to take possession of the prize, and the Alabama ship's company then have jumped overboard (as they did by order) and swum on board the yacht, the individuals on the Alabama's muster-roll could have been claimed.

Lawyers would call this an inchoate possession; but Nelson and men of his profession would never have accepted a captain's sword in such a case, or any other, where a possession was not effected by superior force. Whether Captain Semmes, having sent his boat to announce the striking, was bound to stay on board and sink with his ship, is a question the yacht had nothing to do with any more than the deciding if Captain Semmes was a belligerent or a pirate. The British government may have the United States minister claim him as a prisoner of war, if it

pleases, just as well as the owner of the yacht. The simple fact is, the captain of the Kearsarge dared not take possession of the Alabama, knowing she was sinking, and therefore never had a right to her, or any man or thing on board of her.

I am, &c.,

NE QUID NIMIS.

P. S.—Humanity may well rejoice that, instead of moving with a "full head of steam" and half to quarter of a mile of distance, the ships were not brought within one hundred yards, as they would have been at the Nile or Trafalgar. A concentrated fire (easily effected) would have sunk them both.

[From the London Daily Telegraph of June 24, 1864.]

CAPTAIN SEMMES.

JUNIOR UNITED SERVICE CLUB, S. W.,
June 23, 1864.

SIR: It will doubtless gratify the admirers of the gallantry displayed by the officers and crew of the renowned Alabama in the late action off Cherbourg, if you will allow me to inform them, through your influential journal, that it has been determined to present Captain Semmes with a handsome sword, to replace that which he buried with his sinking ship. Gentlemen wishing to participate in this testimony to unflinching patriotism and naval daring will be good enough to communicate with the chairman, Admiral Anson, United Service Club, Pall Mall, or, sir, yours, &c.,

BEDFORD PIM,
Commander R. N., Hon. Secretary.

N. B.—In order to give a larger number of friends the opportunity of contributing, the subscription is limited to a guinea.

Mr. Seward to Mr. Adams.

No. 1017.] DEPARTMENT OF STATE,
Washington, July 2, 1864.

SIR: I have received your dispatch of the 16th of June, No. 720, together with its accompaniment, namely, a copy of the London Times of the 16th ultimo, which contains a letter of the captain of the pirate Alabama to that journal, and the comments of the Times thereupon.

If the government and people of Great Britain are disposed to be content with the relations which Semmes has thus established between himself and the British nation, we may well leave them to the enjoyment thereof.

Time is wearing on, and it cannot fail to offer to Great Britain a trial of the mistaken policy she pursues towards the United States. In the meantime, it is already manifest that the people of Great Britain are paying more for gold, for cotton, and for bread, than they would cost if her Majesty's government had continued to respect the sovereignty of the United States. The presence of the Alabama in the German Ocean, however it may annoy us, cannot prevent the augmentation of our

wealth and the increase of our population, which result from immigration. The reason is obvious: Great Britain, to a certain extent, interposes an embargo against American commerce. This embargo favors our manufactures, and increases our strength and our internal revenue.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1025.] DEPARTMENT OF STATE,
Washington, July 8, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 21st of June, No. 724, which relates to the destruction of the pirate ship Alabama by the Kearsarge in an engagement off Cherbourg on the 19th of June last. This event has given great satisfaction to the government, and it appreciates and commends the bravery and skill displayed by Captain Winslow and the officers and crew under his command.

Several incidents of the transaction seem to demand immediate attention. The first is, that this government disapproves the proceeding of Captain Winslow in paroling and discharging the pirates who fell into his hands in that brilliant naval engagement; and in order to guard against injurious inferences which might result from that error if it were overlooked, you are instructed to make the fact of this disapprobation and censure known to her Majesty's government, and to state at the same time that this government, adhering to declarations heretofore made, does not recognize the Alabama as a ship of war of a lawful belligerent power.

Secondly, the presence and the proceedings of a British yacht, the Deerhound, at the battle, require explanation. On reading the statements which have reached this government, it seems impossible to doubt that the Deerhound went out to the place of conflict by concert and arrangement with the commander of the Alabama, and with at least a conditional purpose of rendering her aid and assistance. She did effectually render such aid by rescuing the commander of the Alabama and a portion of his crew from the pursuit of the Kearsarge, and by furtively and clandestinely conveying them to Southampton, within British jurisdiction. We learn from Paris that the intervention of the Deerhound occurred after the Alabama had actually surrendered. The proceeding of the Deerhound, therefore, seems to have been directly hostile to the United States. Statements of the owner of the Deerhound are reported here to the effect that he was requested by Captain Winslow to rescue the drowning survivors of the battle, but no official confirmation of this statement is found in the reports of Captain Winslow. Even if he did make such a request, the owner of the Deerhound subsequently abused the right of interference by secreting the rescued pirates and carrying them away beyond the pursuit of the Kearsarge. Moreover, we are informed from Paris that the Deerhound, before going out, received from Semmes, and that she subsequently conveyed away to England, a deposit of money and other valuables, of which Semmes, in his long piratical career, had despoiled numerous American merchantmen.

The Deerhound is understood to belong to the royal yacht association, with certain naval privileges conferred by law, and recognized as be-

longing to the naval force of Great Britain. Her proceedings are therefore regarded with the more concern, since they have a semi-official character.

Again it is observed that, so far as can be discovered, the crew of the pirate, excepting two traitorous officers from the United States, were chiefly British subjects, and all of them had been enlisted for the Alabama in British ports. All of them have been periodically paid their wages, nearly two years, by other British subjects, residing and keeping an office openly in the British port of Liverpool. It is further represented, upon British authority very manifestly hostile to the United States, that the surgeon of the Alabama, who was lost in the vessel, was a British subject. It is stated on like authority that Semmes, the pirate commander, has openly avowed at Southampton, as if it were to the honor and renown of the British nation, that the best gunners of the Alabama had been trained in a British governmental school of artillery. It is related on the like authority that the same Semmes has avowed, manifestly to the satisfaction of a considerable portion of the British public, that the pirate crew who escaped would continue to receive wages in England, and would remain there in his unlawful service, until he should, in August next, take to the sea again in a new Alabama, understood to be forthcoming from a British port.

Once more, it is stated that the wounded pirates were received at once and cared for in a national British naval hospital in or near to Southampton.

While these occurrences were happening in England, the escaped commander of the Alabama is said to have been the object of hospitalities and demonstrations from British subjects in Southampton, which could have been reasonably bestowed only upon the supposition that, in robbing or burning or sinking American merchantmen on the high seas in all quarters of the globe, and finally in engaging the Kearsarge off the port of Cherbourg, he was acting with the implied consent and in the interest of Great Britain as an enemy of the United States. This government experiences much pain in reviewing these extraordinary incidents of the late naval engagement. The President earnestly desires not only a continuance of peace, but also to preserve our long existing friendship with Great Britain. He is therefore indisposed to complain of injuries on the part of British subjects whenever he can refrain consistently with the safety, honor, and dignity of the United States. In this spirit we are ready, as we are desirous, to learn that many of the statements to which I have referred are erroneous. But when we have made considerable allowances in that way, there yet remain very large grounds for representation on our part to her Majesty's government.

I desire, however, to be understood as speaking with sincerity and frankness when I say that this government does not for a moment believe that any of the proceedings which I have related were adopted under any orders or directions, or with any knowledge on the part of her Britannic Majesty's government. On the contrary, I have to declare, without reservation, my belief that the proceedings herein recited of the pirate Semmes and of the yacht Deerhound, and of the British subjects who have sympathized with and unlawfully aided and abetted the pirates, are the unauthorized acts of individuals, and that those proceedings will be regretted and disapproved by her Majesty's government.

The President will expect you to carefully gather information, to weigh it well, and then to make a proper representation to her Majesty's government upon the whole subject I have thus presented. The Secretary

of the Navy will give special instructions to Captain Winslow to answer your inquiries.

Unless the cases shall be materially modified by the result of your inquiries, you will be expected to say, in the first place, that the incidents I have related, if unexplained, seem to confirm the soundness of the opinion heretofore held and insisted upon by this government, that the Alabama is justly to be regarded as a vessel fitted out by British subjects, engaged in making unlawful war against the United States.

Secondly, this government is of opinion that Semmes and his confederates having been rescued by unlawful intervention of the Deerhound and conveyed within the jurisdiction of Great Britain, they ought to be delivered up to the United States.

Thirdly, it will be your duty to remonstrate against the conduct of any British authorities or subjects who may be engaged in furnishing supplies or paying wages to the escaped pirates of the Alabama, and to ask for their conviction and punishment.

Fourthly, the occasion will warrant you in asking her Majesty's government, with earnestness, to adopt such measures as shall be found necessary to prevent the preparation, equipment, and outfit of any further hostile naval expedition from British shores to make war against the United States. If, however, you find the facts established by your inquiries to differ materially from the statements thereof, herein assumed to be true, you will be at liberty to modify your representations accordingly; or if you prefer, you will report the result of your inquiries, and apply to this government for further and specific instructions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 745.] LEGATION OF THE UNITED STATES,
London, July 14, 1864.

SIR: The note of Lord Russell of the 8th instant, a copy of which, and of its inclosure, is herewith transmitted, is supplementary to the correspondence already sent with my dispatches 731 and 734, of the 28th and 30th of June. It does not seem to furnish much additional light to a solution of the questions raised by the conduct of Mr. Lancaster.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Seward.

FOREIGN OFFICE, *July* 8, 1864.

SIR: With reference to my letter of the 27th ultimo, in which I stated that I should transmit to the owner of the Deerhound a copy of your letter of the 25th ultimo, I have the honor to inclose a copy of a letter from Mr. Edmund Clarke, who, in Mr. Lancaster's absence in Norway, has acknowledged the receipt of my communication.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Clarke to Earl Russell.

HINDLEY HALL, WIGAN, *July* 4, 1864.

MY LORD: On behalf of Mr. J. Lancaster, I beg to acknowledge the receipt of your lordship's favor, dated June 27, 1864, accompanied with certain documents relating to that gentleman's part in the rescue of the captain and a portion of the crew of the Alabama, on the 19th ultimo.

Mr. Lancaster left here on Monday last for Norway, whence he is expected to return about the latter end of next week. Immediately on his arrival at home the above-mentioned documents shall be submitted to him, and I have no doubt they will receive his prompt attention.

I take the liberty of drawing your lordship's attention to a letter from Mr. Lancaster, inserted in the Daily News of the 29th ultimo, (page 5, col. 6,) a copy of which paper I inclose with this. The letter contains Mr. Lancaster's own narrative of his share in the proceedings to which it refers, and it will be seen that he therein emphatically denies many of the allegations advanced by Captain Winslow and indorsed by Mr. Adams.

I have, &c., &c.,

EDMUND CLARKE.

EARL RUSSELL, K. G., *&c.*, *&c.*, *&c.*

[See letter referred to, printed with dispatch from Mr. Adams to Mr. Seward, No. 734, June 30,1864, *ante*.]

Mr. Seward to Mr. Adams.

No. 1035.] DEPARTMENT OF STATE,
Washington, *July* 15, 1864.

SIR: Your dispatch of the 28th of June, No. 731, has been received. It relates to the proceedings which you have taken in regard to the interference of the royal yacht association steamer Deerhound in the battle between the Kearsage and the pirate Alabama, and is accompanied by a copy of notes which passed between Earl Russell and yourself on that subject. These papers have been submitted to the President.

The representation which you have made to Earl Russell accords, so far as it goes, with the instructions conveyed in my No. 1025 of the 8th instant, and is approved.

I regret to find in Earl Russell's answer what seems to me an apparent misapprehension of the case, which was very well presented by you on the part of this government. Your complaint was not, as he seems to suppose, that the Deerhound rescued the drowning pirates. Your complaint was, that the Deerhound, being a British (therefore ostensibly a neutral) vessel, interfered with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who had already surrendered themselves as prisoners of war; and that the pirates rescued by that intervention were brought into the kingdom of Great Britain, and that they now are within that kingdom, in readiness to enter the same unlawful and hostile service on the first opportunity.

In making that complaint, you distinctly informed Earl Russell that the Alabama had been surrendered and was sinking, and that a portion of the crew was struggling in the waves; that Captain Winslow, who was then engaged in rescuing these drowning persons, saw the Deerhound

approach, and solicited the commander of that vessel to assist in that humane duty; that he, acceding to that request, did rescue from the sea more than forty of these enemies of the United States, and then he conveyed them beyond the reach of the Kearsarge and placed them under the protection of the neutral British flag. In fact, the Deerhound intervened to perform an office of humanity, at the request of the Kearsarge. She abused the confidence reposed in her, and directly restored to the attitude of combatants the enemies of the United States whom she had rescued. Earl Russell intimates an opinion that it was only an act of humanity on the part of the Deerhound to lift up and take Semmes and his men from the waves. The earl argues, that if those persons had not been so taken from the sea they would in all probability have been drowned, and thus would never have been in the situation of prisoners of war. Earl Russell further observes, in that connection, that it does not appear to him to be any part of the duty of a neutral to assist in making prisoners of men for one of the belligerents.

I have to observe, upon these remarks of Earl Russell, that it was the right of the Kearsarge that the pirates should drown, unless saved by humane exertions of the officers and crew of that vessel, or by their own efforts, without the aid of the Deerhound. The men were either already actually prisoners, or they were desperately pursued by the Kearsarge. If they had perished, the Kearsarge would have had the advantage of a lawful destruction of so many enemies; if they had been recovered by the Kearsarge, with or without the aid of the Deerhound, then the voluntary surrender of those persons would have been perfected, and they would have been prisoners. In neither case would they have remained hostile confederates.

The Deerhound, by taking the men from the waves and conveying them within a foreign jurisdiction, deprived the United States of the lawful benefits of a long and costly pursuit and successful battle.

I freely admit that it is no part of a neutral's duty to assist in making captives for a belligerent; but I maintain it to be equally clear that, so far from being neutrality, it is direct hostility for a stranger to intervene and rescue men who had been cast into the ocean in battle, and then convey them away from under the conqueror's guns.

Earl Russell seems to have expressed the opinions which I have thus controverted without having previously investigated the case with his customary deliberation. He promises you that he will address the owner of the Deerhound on the subject. We may, therefore, yet expect, if not a more favorable, at least a more considerate, answer than that which is now before me.

In the mean time, my previous instructions and the remarks which I have now made will apprise you of the views of the case which this government has adopted, so far as it has now been developed. I perceive, with regret, that Earl Russell takes no notice of the fact that the Alabama was not a vessel built, armed, manned, equipped, and fitted out by the insurgents in the waters of our own country; but that, on the contrary, she was built, manned, armed, and equipped by British subjects in a British port, and that her crew were enlisted and organized, and have until this time been constantly paid, within the jurisdiction of Great Britain. No matter how valid were the excuses of the British government for failing to prevent the original departure of the Alabama from her ports to wage war against the United States, it seems to me that now, when the commander and a portion of her crew have been rescued by the intervention of British subjects, in violation of the national neutrality, and conveyed within British jurisdiction, the retain-

ing, harboring, and protecting them by the British government would be not merely wrongful and injurious of itself, but an aggravation of the wrong against the United States which was perpetrated in the original construction and dispatch of the hostile vessel.

I perceive that, in a letter which purports to have been written by the owner of the Deerhound, he denies that he held communication with the Alabama before the battle, and denies also that he accepted a deposit of valuables from Semmes, the commander of the pirates. I shall be happy if these denials shall be confirmed. The questions which have arisen out of the transaction are sufficiently embarrassing, even when that aggravation of the case is removed.

The President is not seeking for offenses on the part of Great Britain; but he is charged with the duty of maintaining the belligerent rights of the United States on the high seas, as they are recognized by the law of nations, against all unlawful combinations and resistance.

I sincerely trust that her Majesty's government will consider our representation in a just and candid spirit; for I feel well assured that we are asking from Great Britain, in this case, just what, if the situation of the parties were reversed, she would have promptly asked, and we should have freely conceded to herself.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 1039.] DEPARTMENT OF STATE,
Washington, July 16, 1864.

SIR: Your dispatch of the 30th of June, No. 734, has been received. The letter of Lancaster, the owner of the Deerhound, does not effectively relieve his position in the affair of the Alabama. The telegraphic article is none the less significant because it is exceptional, and it may, I think, be regarded as furnishing some proof that, under existing circumstances, the conscience of the British people is not so certain to approve of lenity on the part of the ministry in answering our request for explanations concerning the intervention of the Deerhound as was at first expected.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 755.] LEGATION OF THE UNITED STATES,
London, July 29, 1864.

SIR: Since my dispatch of yesterday, No. 753, I have received from the steamer which sailed from New York on the 16th dispatches numbered from 1023 to 1033, both inclusive.

The most important of these is No. 1025, of the 8th of July, relating to the questions that have grown out of the conflict with the No. 290,

and giving instructions how to proceed. On examination of the grounds upon which these are based, it immediately becomes evident to me that many of the positions, resting as they do upon erroneous impressions of the facts, cannot be maintained. Moreover, you could not, at the time of writing, have received my dispatch No. 731, of the 28th of June, communicating to you information of the use that I had made of the official representation of Captain Winslow, in a note I had written to Lord Russell. As it must probably have reached you very shortly after the date of your last, I may perhaps receive your later impressions after perusing it, in a dispatch by the steamer due to-morrow or next day. Meanwhile I think it more prudent not to proceed with any partial or imperfect representation here.

In connection with this topic I may mention that I have received a further note from Lord Russell, in reply to my letter of the 25th June, covering a letter from Mr. Lancaster in defense of his course. Copies of these papers are herewith transmitted. On some points I am inclined to think his action to have been misrepresented. But on others, and especially those to which I called Lord Russell's particular attention, he evades reply. The fact that the officer commanding the rebel boat, who had actually been to the Kearsarge for the purpose of surrender, and asking assistance, and who obtained authority to rescue the drowning, did afterwards take the persons thus saved to the Deerhound, without regard to his implied obligation, is not denied. It was this boat that picked out the rebel officers so carefully from among the number floating on the surface.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 26, 1864.

SIR: With reference to my letter of the 8th instant, I have now the honor to transmit to you a copy of a letter which I received from Mr. Lancaster, containing his answer to the representations contained in your letter of the 25th ultimo, with regard to the course pursued by him in rescuing Captain Semmes and others on the occasion of the sinking of the Alabama; and I have the honor to inform you that I do not think it necessary to take any further steps in the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Lancaster to Earl Russell.

HINDLEY HALL, WIGAN, *July* 16, 1864.

MY LORD: On my return here on Wednesday last, after a visit to Norway, I received your lordship's note of the 27th ultimo, together with copies of a note, and its inclosures, from the United States minister at this court of her Majesty, complaining of the course pursued by me

in aiding the escape of a portion of the crew of the Alabama, who, it is alleged, had surrendered themselves as prisoners of war to the United States ship Kearsarge.

In dealing with this complaint, I shall not trouble your lordship with any remarks on the questions of maritime or international law which have arisen out of the circumstances connected with the sinking of the confederate ship, the Alabama, but I shall confine myself to a succinct but complete narrative of those proceedings in which I was personally concerned.

I am, as your lordship has been informed, the owner of the yacht Deerhound, and a member of the royal yacht squadron. On the 7th of June last, my family—that is to say, my wife, my four children, and my niece—embarked on board the yacht, and sailed from Southampton, with the view of cruising for about a fortnight around some of the channel islands, and beside the coast of France. Business engagements prevented me accompanying them, but I joined them at Guernsey on Saturday, June 11th. On the same day we sailed for Jersey, in the neighborhood of which island we remained until the following Thursday, June 16th.

On the morning of that day we left St. Helen's for St. Malo, arriving there at 8 a. m. We detained the yacht in the harbor of St. Malo, and in the night slept therein. On the following morning (Friday) we left the yacht, ordering it to proceed to Cherbourg, while we had a run into the interior. Early in the day we started by rail to Lemans, and there stopped all night. Next morning (Saturday) we pushed on for Caen, and after refreshment and sight-seeing there we proceeded to Cherbourg, at which place we arrived about 10 o'clock at night. Prior to this time I had never seen Captain Semmes, nor had I had any communication, direct or indirect, with any person connected with the Alabama; and it will, I think, be admitted, that at 10 o'clock on Saturday night it was too late to settle the terms of an alliance between my yacht and the confederate vessel for operations on Sunday morning. It is true the Deerhound lay in Cherbourg during Friday night and Saturday; but my captain assures me that there was no intercourse between him and Captain Semmes, or anybody acting on behalf of that confederate officer. So far from the Deerhound being, as has been alleged, the consort of the Alabama, there was no connection whatever between the two vessels, and the officers and the crew of the one were strangers to the officers and crew of the other.

Soon after we arrived on board the yacht on Saturday night, we heard the rumor that there was to be an engagement between the Alabama and the Kearsarge on the following morning, and the question came up for discussion, in our family circle, whether the Deerhound should put out to sea and take up a position where we could with safety witness something of the engagement between the two hostile ships; and as the juveniles were nearly all one way, the question was decided in the affirmative, rather against the wish of both myself and my wife. Accordingly, at 9 o'clock in the morning we steamed out of Cherbourg harbor to enjoy the summer breeze, and if possible to see the great fight. That I did not propose to succor the Alabama in any way is manifest from the fact that I took my wife and family with me to participate in my movements and share my perils, should I be exposed to any. At half-past 10 o'clock we saw the Alabama steaming out of the harbor towards the federal vessel Kearsarge, and twenty minutes afterwards the action commenced.

At half-past 12 o'clock we observed the Alabama to be disabled and

in a sinking condition, and as I saw that no boats were being lowered from the Kearsarge to save the crew of the sinking ship, it occurred to me that the Kearsarge also must be disabled, and that her crew must be unable to help the people of the Alabama.

Under this impression, I felt it my duty to make towards the Kearsarge in order to offer assistance, and when within hail of that vessel I called out and asked whether I could afford them any help, and the answer was, "No; but do what you can, for God's sake, to save them."

We immediately pushed towards the Alabama, and when within a distance of two hundred yards she sunk. This occurred at 12.50. We then lowered our two boats, and with the assistance of the Alabama's whale-boat and dingy, succeeded in saving about fifty men, including Captain Semmes and thirteen officers. At 1 p. m. we steered for Southampton.

I acknowledge, my lord, that in leaving the scene of action so quickly, I was animated with a wish to save from captivity Captain Semmes and the others whom we had rescued from drowning; but I should have done the same for the people of the Kearsarge if they had been placed in similar jeopardy. I am charged with having aided in the escape of men who "had surrendered themselves prisoners of war;" but I did not know at the time that they had so surrendered.

Whether, under the circumstances, they could be justly considered "prisoners of war" is a question which I will not presume now to discuss, inasmuch as it is not necessary for my justification. At the time I rescued Captain Semmes and others from the water, I had the warrant for so doing in the request from the captain of the Kearsarge that I would render them assistance. That request was not accompanied with any request or stipulation, and therefore, having got as many of the drowning men on board as I could reach, I was not conscious of being under any obligation to consult the captain of the Kearsarge as to their disposal, and I took them as soon as possible to Southampton, in compliance with their own earnest entreaties.

I trust, my lord, that this simple narrative will be sufficient to disprove the allegation of complicity or alliance between the confederate ship the Alabama and my yacht the Deerhound, and to show that in rescuing Captain Semmes and others from drowning I had the warrant of the captain of the Kearsarge, and that in taking them to Southampton I was actuated only by motives of humanity.

JOHN LANCASTER.

Mr. Seward to Mr. Adams.

No. 1069.] DEPARTMENT OF STATE,
Washington, August 15, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 29th of July, No. 755, which treats of the conduct of the Deerhound in the engagement between the Kearsarge and the Alabama.

A copy of the note which Earl Russell addressed to you on this subject, on the 26th ultimo, accompanies your dispatch, and also a copy of a letter from the owner of the Deerhound to Earl Russell.

The owner of the Deerhound evades the allegation of a concert or understanding established between himself and the pirate Semmes on the night before the battle.

The owner of the Deerhound confesses that on his quick departure

from the scene of action to the British shores, after having received Semmes and his confederates on board, the owner of the Deerhound was actuated by a desire to save them from capture. This statement of the owner of the Deerhound is communicated to you by Earl Russell with the simple declaration that he does not think it necessary to take any further steps in the matter.

Leaving all the other circumstances of that strange transaction out of view, as being debatable in point of fact, there is ground in the case, as it is thus presented, for grave remonstrance with her Majesty's government.

The Alabama, or 290, was built, manned, and armed by British subjects to commit piracies against the United States. She has been pursuing this course of piracy two years. Her Majesty's government condemning the enterprise, allege their exemption from responsibility on the ground that they exerted themselves in good faith, but ineffectually, to prevent it. The Kearsarge finds the Alabama on the high seas—engages and sends her to the bottom. The Deerhound, belonging to the royal yacht association, and by authority of law carrying the British naval ensign, intervenes to save a number of drowning men of the Alabama, with the consent of the Kearsarge, and having rescued them from the waves, without making any explanations makes haste to convey them from the scene of action and to place them in safety on the British shores. And he confesses that in doing so he was actuated by a desire to withdraw them from the presence of the conquering vessel.

The President is surprised that her Majesty's government do not find in these proceedings of the owner of the Deerhound cause of severe censure and regret.

You are authorized to express that surprise to Earl Russell. I have to observe, however, that this dispatch is written without a knowledge of what information you may have gained, what opinions you may have formed, or what proceedings you may have taken, in regard to the whole case, under my previous instructions. And, therefore, the execution of the instructions herein given is, as was the case in regard to the previous instructions, referred to your own better-informed discretion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *August* 23, 1864.

SIR: Her Majesty's government have had under their consideration the notes which you did me the honor to address me on the 25th of May and 27th of June last, respecting the coals carried off from Angra Pequena by the United States ship Vanderbilt.

Her Majesty's government have learned from these notes that the government of the United States holds that the bill of lading forwarded to Messrs. Sinclair, Hamilton & Co., does not sufficiently show that at the time the coals were taken from Angra Pequena they were in point of fact the property of Messrs. Anderson & Co.; and, moreover, that the government of the United States consider it material to have information as to the purpose for which the coals were sent to Angra Pequena before admitting the claim of Messrs. Anderson & Co. to be paid for them.

With respect to the proof of ownership, the bill of lading appears to her Majesty's government to be sufficient in the circumstances and for the purpose for which it was wanted. I nevertheless submit to you herewith a solemn declaration, made by Mr. James Murison, a merchant residing at the Cape of Good Hope, declaring that he knows of his own knowledge that the coal was the property of Messrs. William Anderson, Saxon & Co., and stating particulars in corroboration of this fact. I trust that this document will preclude any further question on this part of the subject.

With respect to the destination of the coals, I am commanded by her Majesty's government to state distinctly that, in their opinion, the coals might just as lawfully be sent to Angra Pequena for the purpose of supplying the wants of the so-called confederate ship of war as of a United States ship of war; and that for a United States ship of war to take, without payment, British property on a neutral shore, merely because it was intended to be sold by its owners to a ship of war of the other belligerent, would be an act of simple trespass, without justification from the law of nations.

Her Majesty's government cannot conceive that any jurist would or could maintain, either upon principle or authority, a contrary opinion; and they have instructed me to press this point of maritime international law strongly upon the government of the United States.

Begging you to be so good as to send the declaration back to me, I have the honor to be, with the highest consideration, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Deposition of John Harrison.

I, John Harrison, of the city of London, notary public by royal authority duly admitted and sworn, do hereby certify and assert unto all persons to whom these presents shall come, as follows:

1. The sheet of paper which is hereto annexed and paged from 1 to 3, inclusively, contains true and faithful copies of, and agreeing word for word and figure for figure with, the original declaration purporting to have been made by the therein-named declarant, James Murison, and the consular legality following the same.

2. I have compared the said annexed copy with the said original declaration and consular legality, which have been produced to me for that purpose.

Whereof an act being required, I have granted these presents under my signature and official seal, to serve as need may require, in
[L. S.] London, this fourth day of August, in the year one thousand eight hundred and sixty-four.

JOHN HARRISON,
Notary Public.

Declaration of James Murison.

I, James Murison, a British merchant, residing at Cape Town, in the colony of the Cape of Good Hope, do hereby solemnly and sincerely declare, that in the month of October, 1863, the United States steamer

Vanderbilt, Captain Baldwin, having arrived at Table Bay, I was requested by the United States consul to purchase upon the most advantageous terms a supply of coal for the use of said ship. That I thereupon made arrangements with Messrs. William Anderson, Saxon & Co., of Cape Town, merchants, who had commenced to deliver the coal, when orders were sent from the governor of this colony to stop the coaling, which, as the Vanderbilt had within three months taken in coal at Mauritius, would have been a violation of the Queen's proclamation of neutrality. That thereupon the coaling was discontinued, about nineteen tons only having been shipped. I further declare that on the day of the departure of the Vanderbilt from Table Bay, Mr. William Anderson, of the above firm of William Anderson, Saxon & Co., informed me that he had on Penguin Island, on the coast, two hundred and fifty tons of coal, which he offered for sale to the Vanderbilt if she required it; that as Penguin Island was then considered British territory, and the Vanderbilt could not in that view have coaled there without an infraction of the neutrality laws, I did not submit Mr. Anderson's offer to Captain Baldwin; and I lastly declare that I know of my own knowledge that the coal was on Penguin Island, and that it was the property of Messrs. William Anderson, Saxon & Co.; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the ordinance No. 6, 1845, entitled "An ordinance for the suppression of voluntary and extra-judicial oaths and affidavits, and the substitution of declarations."

JAMES MURISON.

Declared before me at Cape Town, this twenty third day of June, 1864.

EDMUND HULL,
Justice of the Peace for Cape Town and the district thereof.

I, Walter Graham, consul for the United States of America at Cape Town, do hereby certify that Edmund Hull, before whom the above declaration was made, is a justice of the peace for Cape Town, and qualified to administer oaths under the colonial statutes, and that James Murison, the declarer, is a merchant of Cape Town, thoroughly credible, and that his signature attached to the declaration above is genuine.

[L. S.] WALTER GRAHAM,
United States Consul.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 24, 1864.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 23d instant, in which you present a declaration made by James Murison in support of the claim of Messrs. William Anderson, Saxon & Company, of the Cape Town, for payment of some certain coal which was taken from the island of Angra Pequena by the ship Vanderbilt. I have taken a copy of this instrument for future reference, and, in compliance with your request, I send to you the original.

Her Majesty's government, on behalf of the claimant, decline to furnish information of the object for which the coal in question was deposited by the claimants on a desolate an uninhabited island, outside of the sphere of civilized states. In place of giving the information desired

by this government on that point, her Majesty's government express the opinion that the coal might just as lawfully be sent to Angra Pequena for the purpose of supplying the wants of a so-called confederate ship of war as of a United States ship of war, and that for a United States ship of war to take, without payment, British property on a neutral shore, merely because it was intended to be sold by its owners to a ship of war of the other belligerent, would be an act of simple tres pass, without justification from the law of nations.

This government is therefore left to infer, from these remarks, that the claimants placed their coal on the island of Angra Pequena for the use of the navigators of the Alabama. Her Majesty's government are already aware that, in the opinion of the United States, the Alabama is not a lawful vessel of a lawful belligerent power, but a vessel built, manned, armed, and equipped in a British port, and put on the high seas by British subjects, to make war against the United States, in violation of the law of Great Britain, of treaties, and of the law of nations; and that this government, instead of holding itself under obligation to indemnify the pirates of the Alabama, is looking to the justice of Great Britain for indemnities from the many signal injuries which the citizens of the United States have sustained at the hands of British subjects who are engaged in that most unjustifiable enterprise. The claimants in the present case are regarded as having no more just claims upon the United States than the owners and crew of the Alabama have for indemnity for the losses they sustained in the destruction of that vessel in her combat with the United States ship of war Kearsarge.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Dudley to Mr. Seward.

No. 340.] UNITED STATES CONSULATE,
Liverpool, August 27, 1864.

SIR: I have the honor to communicate to the department the result, so far, of the investigation made in compliance with the department's dispatch No. 365, respecting the English steamer Deerhound; and her connection with the rescue and abduction of certain prisoners to the United States off the port of Cherbourg.

The Deerhound is a screw steam yacht, and was built by Messrs. Laird & Sons at Birkenhead, the builders of the "Alabama," in the year 1858, for the Duke of Leeds. On the death of the duke, a little more than a year afterwards, she was bought by Mr. John Lancaster, then of ————, but now of Hindley Hall, near Wigan, in Lancashire, head of the Kirkless Hall Coal Company, an extensive colliery proprietor, and iron master. Mr. Lancaster has owned the Deerhound ever since. Two years since she was lengthened for him by the Messrs. Laird at Birkenhead, and a more powerful engine put into her.

In winter, when not in use, she is generally laid up in the Birkenhead dock. Her master's name is Jones, a Welchman.

The registrar of shipping at this port states that she is not registered here, and that vessels for private use as yachts are not required to be registered.

It appears from the statement of Henry Adams, one of the crew, (in-

closure No. 1,) confirmed by —— Richardson, another of the crew, that the Deerhound sailed from Birkenhead on the 7th of May last, having on board three gentlemen, friends of Mr. Lancaster—Mr. Reynolds, Mr. Facie, and another, (according to the statement of Richardson, inclosure No. 2,) on a fishing and pleasure excursion. First, she proceeded to Beaumaris, thence to Carnarvon Bay, thence to Cardiff, where she arrived on the 11th, and remained three or four days; thence to Ilfracombe, Padstow, Milford, and Falmouth, where she arrived about 16th May. The 17th, she went to Portsmouth; thence a fishing in Ter Bay, returning to Dartmouth; thence to Weymouth, where Mr. Lancaster came on board. The next place was Cowes, where she arrived about 31st May, (inclosure No. 1.) Mr. Lancaster and his friends left her there, and she remained there a week or nine days, and then shifted over to Southampton, where she got coals and water, and Mr. Lancaster returned on board with his family, consisting of his wife, three sons, daughter, and nurse, according to the statement of Adams, (inclosure 1;) of his wife, three sons, (two grown up and one a boy,) daughter, niece, and a nurse, according to the statement of Richardson, which is most likely correct, (inclosure 3.) She then went back to Cowes, and Mr. Lancaster left her, his family remaining on board. She remained at Cowes a day or two, and then went to Alderney, remained there a night, and proceeded to Guernsey, where Mr. Lancaster again joined her, coming by the steamer from Southampton, (inclosure 1.) The next morning she proceeded to Jersey, where she was detained several days by bad weather, (inclosures 1 and 2.) She then sailed to St. Malo, where she arrived on the Wednesday, or Thursday, according to Adams, (inclosures 1 and 2;) on Thursday, the 16th June, according to Richardson, (inclosure 3.) There, about seven in the morning, Mr. Lancaster and his family were landed. The yacht then went to Jersey to inquire for letters, (inclosures 1 and 3,) and thence proceeded to Cherbourg, where she arrived on the evening of the 17th of June, according to Adams, (inclosures 1 and 2,) but the 16th, according to the statement of Richardson, (inclosure No. 3.)

A vessel was then in the harbor, flying the confederate flag, and the yacht was anchored about 200 yards from her, (inclosure 1.) According to both Adams and Richardson, no one on board the yacht knew what vessel it was until they were informed by a sloop anchored near them (inclosures 1 and 3) that it was the Alabama. According to the statement of Adams, there was no communication at all between the yacht and the Alabama, but this is contradicted by Richardson, who states (inclosure 3) that he was himself sent on Friday afternoon by Captain Jones to the Alabama to inquire whether visitors were allowed on board; that he was not allowed to go on board, but remained alongside, while the officer he first spoke to asked some one else, and returned to the gangway and told him that visitors were not allowed on board; that they had been on the previous day, but the ship was now under sailing orders. Richardson says this was the only communication between the two vessels, and Louis Dupois, midshipman's steward of the Alabama, and one of the persons saved by the Deerhound, says (inclosure 4) he saw some one from the Deerhound *once*, but does not know whether it was the captain or not. But Mr. Higgins, late a seaman of the Alabama, and son of a captain in the English navy, (inclosure,) says the captain of the Deerhound was on board the Alabama more than once, (inclosure 4,) and Emery, engineer's steward of the Alabama, says (inclosure 6) the boat from the Deerhound visited the Alabama on the Saturday morning, and that he believes one of the men was the captain, and that he remained on board about an hour.

According to the statement of Richardson, Mr. Lancaster, with his family, as before mentioned, arrived at Cherbourg and came on board the yacht about 10 o'clock on Friday night; but, according to Adams, he did not arrive until Saturday night, about 10 o'clock. The statement of Richardson is most likely correct.

Both Adams and Richardson state that Mr. Lancaster had no communication with the Alabama after coming on board the yacht on the Friday or Saturday night, and there is nothing to oppose to this but the vague statement of Higgins, who says that a gentleman, with two boys, was on board, but he does not know where they came from. Adams says he went with Captain Jones to meet Mr. Lancaster at the railway station, and that he heard the captain tell him (Mr. Lancaster) of the intended fight between the Alabama and Kearsarge. Mr. Lancaster arrived by the train from Caen, and with his family proceeded straight to the boat, which was waiting for him, and on board the yacht.

They agree that the intended fight was well known, and all the talk at Cherbourg, and was expected to take place on Saturday; that soon after Mr. Lancaster came on board it was understood that he had given orders for any movement of the Alabama to be reported to him, and that the engineer was to get steam up if the Alabama got steam up. The Alabama began to get up steam about 5 on Sunday morning. The Deerhound got steam up also, and about 9, before the Alabama got under way, sailed round the harbor—according to Adams—and round the Alabama according to Richardson, and steamed out of the harbor, heading towards Southampton. When about two miles out she slacked speed, (Adams's statement, inclosure 1,) and the Alabama, which was then seen coming out, soon afterwards passed them at about half a mile's distance, with the confederate flag flying. The Deerhound had the royal yacht squadron flag, a burgee, and a St. George's ensign, (her usual flags,) flying. The Deerhound kept out of gun range, watching the fight with glasses until the firing ceased and the Alabama appeared to be sinking. According to the statement of Richardson, Mrs. Lancaster and her niece then began to cry, and he, Richardson, who was at the wheel, was ordered, he does not know who by, to steer towards them. As they approached them, the captain ordered him to go round the Kearsarge, some one on board of which hailed them to "lend a hand to save the people," (inclosure 3.)

The Deerhound was steered where most people were seen floating, and her boats launched. Adams says he was in command of the boat which picked up Captain Semmes, and that seeing a man in the water, with an officer's cap on, he steered towards him, and he (the man) said he was the captain, and was nearly exhausted. When he took him with fourteen others in the boat to the Deerhound, he told Mr. Lancaster that one of them was the captain, and pointed him out. Adams says that, after putting the captain and others on board the Deerhound, he was going again, but the captain of the Deerhound said he need not, as all were picked up who were floating. He says they were then within speaking distance of the Kearsarge, but steered away without speaking to her.

Richardson says he believes he left Cherbourg to go to Southampton, but that Mr. Lancaster stopped to see the fight; heard Mr. Lancaster say he must be in London on Monday. All assert their disbelief in there being any agreement between Mr. Lancaster or the captain of the Deerhound and the Alabama, and the only evidence pointing to the contrary is the discrepancies as to the communication between the yacht and the Alabama at Cherbourg. Adams says there was none, (inclosure 1;)

Richardson, that only himself went alongside to ask if visitors were admitted; while Higgins says (inclosure 5) that the captain of the Deerhound was on board the Alabama more than once. Depois (No. 4) says he saw some one from the Deerhound once on board the Alabama, and Emery (inclosure 6) says that a boat from the Deerhound visited the Alabama on Saturday, and that one of the persons who came in her was the captain, who remained on board about an hour. In addition to this, Depois states (inclosure 4) that while on board the Deerhound he heard one of the crew say he knew Captain Semmes again when he saw him in the water. It must be admitted that all are very unreliable; and that while the two first mentioned are telling something less than the truth, the others are telling a great deal more.

The Deerhound steamed direct to Southampton, where she arrived the same night, and landed the prisoners. Mr. Lancaster and his family left her on the Sunday, Mr. Lancaster going to London. While the Deerhound was at Southampton, Mr. Mason and Captain Bullock came on board, and told the crew that they should be rewarded for what they had done.

The yacht remained at Southampton some days, and then went round to Hull, where Mr. Lancaster again joined her with a party of gentlemen, and sailed on a cruise on the coast of Norway.

* * * * * * * *

I shall continue the inquiry, and hope to get something more from the several persons mentioned, and if possible their formal declarations.

* * * * * * * *

I deemed it best to let you know the result so far, without further loss of time.

It appears that a number of chronometers—Emery says sixty-four, others of the crew thirty-six—were transferred from the Alabama to some yacht on the Friday or Saturday preceding the engagement. From the statement of Richardson and others there is no doubt this yacht was the schooner Hornet, of Southampton or Cowes, belonging to a Mr. Bryans. I could not learn where the Hornet landed them.

I am, sir, respectfully, &c., your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Inclosure No. 1.]

Depositions.

I, Henry Adams, residing at Bidston, near Birkenhead, mariner, do solemnly declare and say as follows:

In the month of April, last, I was engaged by the master, Jones, of the yacht Deerhound, then lying in Birkenhead docks, to serve as able seaman on board said vessel. Said yacht is a screw steamer of about ninety-nine tons, and belongs to Mr. John Lancaster, of Hindley Hall, Wigan. I had known the Deerhound for a long time, and had always understood she belonged to Mr. Lancaster. Captain Jones engaged me and told me that Mr. Lancaster was the owner. I have known Captain Jones since I was a child. I went to work on board the Deerhound while she was at Birkenhead, and was on board of her there about three weeks. The crew consisted of Captain Jones, a mate, five seamen,

cook, steward, two engineers and a stoker. I never saw Mr. Lancaster at Birkenhead, or knew of his being there, from the time of my joining the vessel to her sailing. We left Birkenhead the first Saturday in May, and steamed right away to Beaumaris. Mr. Lancaster was not then on board. There were three or four gentlemen, friends of Mr. Lancaster, joined us at Birkenhead, or Beaumaris, I don't remember which, and they were fishing part of one day in Carnarvon Bay. We left Beaumaris on Monday, and went to Milford Haven or Cardiff. I don't remember which we went to first, but we were at both, the same gentlemen continuing on board. From Milford or Cardiff we went to Ilfracomb, then to Padstow, Milford, and Falmouth. From there to Dartmouth, where we remained two or three days, fishing in Tor Bay. Thence we went round to Weymouth, where Mr. Lancaster joined us, and the next morning we sailed for Cowes, where we arrived the same evening, about May 31st. The next morning Mr. Lancaster and the other gentlemen left us, and we laid at Cowes about a week or nine days. We then shifted over to Southampton, where we lay about three days, when Mr. Lancaster again joined us with his family. There were Mr. Lancaster, his wife, three sons, daughter and nurse, no one else. We then went over to Cowes again. I cannot remember the date, but that would be about three weeks after leaving Birkenhead. Mr. Lancaster left us at Cowes, but his family remained on board. We laid two or three days at Cowes, and then sailed to Alderney, where we remained over night. Thence we went to Guernsey, where we lay two days, and Mr. Lancaster joined us again. He came in the steamer from Southampton. From Guernsey we went to Jersey, where we remained about a week, being detained there by a heavy sea running. From there we went to St. Malo, where we arrived on Wednesday or Thursday before the Alabama fight. Mr. Lancaster and his family all landed at St. Malo, and we went back to Jersey to see for letters. We only remained at Jersey while we inquired for letters. We found some newspapers, but I don't remember there being any letters. I went in the boat with some of the other men for the letters; but one of the other men went for the letters, while I went to get some tobacco. We left Jersey the same afternoon, and went direct to Cherbourg, where we arrived on Friday, about seven in the evening. That was the 17th of June. We anchored about a quarter of a mile from shore. We saw a vessel with the confederate flag flying, lying at anchor, but did not know what vessel it was. We anchored about two hundred yards inside of her. The next day in the afternoon I went ashore to buy provisions, another man went with me. We were about half an hour away from the yacht. After we anchored the night before, a sloop anchored near us, hailed us, and told us that the vessel before mentioned was the Alabama, and that there was a Yankee waiting for her, and they were going to fight. No one had been away from the yacht before I and the other man went ashore to buy provisions. We left the Captain and all the others of the crew on board, and found them there when we returned. We were not more than twenty minutes or half an hour away. No one else was ashore from the time of our arriving at Cherbourg until we went on Saturday evening to meet Mr. Lancaster. No person visited the yacht. No one could have come without my knowing it. About nine in the evening, Captain Jones, myself and three others went ashore with the gig, to meet Mr. Lancaster. I and two other men went together to the station, but I don't remember whether Captain Jones walked with us. We had to hurry to the station to reach it at ten o'clock, and Captain Jones was there as soon as we were. Mr. Lancaster arrived by the train about

half past ten, I believe, from Caen. His family were all with him. We all went straight from the station to the boat and thence to the yacht. All but the ladies walked to the boat. We got to the yacht about eleven o'clock. While we were walking from the station to the boat, one of the men told Mr. Lancaster about the Alabama, and that she was going to fight. He said that he could hardly credit that. After we got on board, I heard from some of the other men that Mr. Lancaster had given orders to the engineer to let them know if there was any movement of the Alabama. We heard nothing during the night. I turned out about six in the morning, and was told the Alabama had been firing up since five, and I saw that we were firing up also. About nine o'clock we weighed anchor, and steamed round the harbor and out of the west entrance. We men believed we were going to Southampton. When we got outside about two miles heading towards Southampton, we could see the Alabama over the breakwater steaming ahead, and about ten she made her appearance out of the west entrance. We then slacked speed and let her pass us. She passed about half a mile from us to windward. She had the confederate flag flying, and we had the royal yacht squadron flag, a burgee and a St. George's ensign. These were our usual flags. The Alabama went about three miles, passed us, and we then saw a vessel steaming towards the Alabama. When they approached each other the Alabama fired with her starboard guns. We were going slow all this time to watch the fight, but keeping out of gun range. There were two or three small fishing boats about. When we saw the firing cease, we steamed towards them, and could see that the Alabama was sinking. We steered towards the American vessel, the name of which we did not then know. We went round the quarter and were hailed to assist in saving the drowning men. Captain Jones ordered us to get the boats ready. I went to my usual place at the gig, and in the absence of the coxswain took charge of her with three men, hands. We pulled to where we saw the most men floating, and among them, a little to windward, I saw a man with an officer's cap. When we got near him he called out that he was the captain, and was nearly exhausted. We picked him and afterwards fourteen others up, and put them on board the Deerhound, intending to go and look for others, but the captain said they were all picked up who were floating. A number of men had been picked up by the other boat and the Deerhound. The captain of the Alabama did not say anything to me after he came in the boat. He did not ask to be taken to the Deerhound. He might have said it to some of the other men, but if he did I did not hear it, nor have any of the other men told me of his saying so. I first heard of it from the newspapers. When we had finished picking up the men we were within three or four ship's lengths of the Kearsarge—within speaking distance. We did not speak to her. We laid some time after getting in the boats again within speaking distance of the Kearsarge. The Kearsarge's boats were out all that time. We then steamed away without speaking the Kearsarge or her hailing us. We arrived at Southampton about half past ten the same night, and landed all the people from the Alabama. When I returned to the Deerhound after saving the men, I said to Mr. Lancaster, "The captain is here." Afterwards Mr. Lancaster called out "Where is the captain," and I pointed him out. I am certain there was no communication between any one belonging to the Alabama and the master or any of the crew of the Deerhound while we were at Cherbourg, or at any time before the fight. All we knew about the fight going to take place was what we heard from the sloop as I have before stated. We remained in Southampton two or three days, at anchor off Southampton pier. Mr.

Lancaster and his family lived on board the yacht until next day, when he and his family left us. We remained two or three days and then went to Hull, where we arrived on the 26th of June. None of the officers of the Alabama visited the yacht again. Mr. Lancaster joined us at Hull two or three days after our arrival, with a party of gentlemen, and we were cruising on the coast of Norway for over a week, and returned to Inverness, where I left the yacht on the 11th of July. When we arrived at Cherbourg on the 17th, there was a yacht called the Hornet there. She is a fore-and-aft schooner. She was at anchor at some distance from us. She was further from the Alabama than we were. I had seen her before, some years since, at Beaumaris. We left her at Cherbourg, and I have not seen her since. I don't know who she belongs to.

HENRY ADAMS.

[Inclosure.]

CRUISE OF THE STEAM YACHT DEERHOUND—R. N. Y. C.—(PART OF THE SEASON OF 1864.)

Statement made by Henry Adams.

May 7. Sailed from Birkenhead Great Float for Beaumaris, arriving there the same evening; remained there the following day. May 9. Sailed from Beaumaris for Carnarvon Bay, where we had some fishing. P. M. proceeded for Cardiff, arriving there on the 11th May. After remaining three or four days in Cardiff, we proceeded towards Falmouth, via Ilfracombe, Padstow and Milford, arriving in Falmouth on or about 16th May, leaving on the following morning, arriving in Dartmouth the same evening. After remaining in Dartmouth two or three days, when we had a day's fishing in Tor Bay, returning to Dartmouth, where we remained a day or two, when we proceeded for Weymouth, where Mr. Lancaster came on board. Leaving Weymouth the following morning we proceeded for Cowes, arriving there on or about the 31st May, where Mr. Lancaster left us. After remaining there a week or nine days we went to Southampton, where we got coal and water. Mr. Lancaster and family joined us and proceeded to Cowes, where Mr. Lancaster left us. After remaining there a day or two, we went to Alderney, remaining there one night, when we proceeded to Guernsey, where Mr. Lancaster joined us, coming from Southampton. Remaining there until the following morning we proceeded for Jersey, where we remained several days, owing to unfavorable weather. This was about the 14th June. The weather moderating, we proceeded to St. Malo, where we remained a day and landed Mr. Lancaster and family. Returning to Jersey, we went from there to Cherbourg, arriving there on the evening of the 17th June. After witnessing the engagement between the Kearsarge and the Alabama we proceeded for Southampton on the 19th June. After remaining in Southampton two or three days, we proceeded for Hull, arriving there about the 26th June, when Mr. Lancaster came on board, and we proceeded to Norway. After cruising on the coast of Norway for about a week we returned to Inverness, arriving there about the 11th July, when I left her.

[Inclosure No. 2.]

Richardson, late a seaman of the Deerhound, says they were cruising about with three gentlemen, friends of Mr. Lancaster's, (Mr. Reynolds,

Mr. Facie, and another;) after leaving Birkenhead in May, Mr. Lancaster joined them at Weymouth. The three gentlemen left at Cowes, and Mr. Lancaster's family came on board at Southampton. Mr. Lancaster was landed at St. Malo, on Thursday the 16th, or about 7 in the morning. His family went with him. Yacht went to Jersey for letters and then to Cherbourg. Arrived at Cherbourg on Thursday evening. A steamer flying the confederate flag was there, and they hailed a sloop to ask what vessel it was, and were told the Alabama. On Friday afternoon the captain of the yacht sent him to the Alabama to ask if visitors were allowed on board. An officer told him not; that they had been allowed the previous day. He was on board the Hornet, a schooner-yacht belonging to Mr. Bryan, (he thinks,) that day or the next morning, forgets which. While he was on board the men were joking each other about having chronometer soup. From what was said he gathered that they had received some chronometers from the Alabama; was not told so. The captain of the Hornet and the captain of the Deerhound were acquainted with each other, he believes, before that. He was the only person from the Deerhound who went to the Alabama. He was not on board, only alongside. No one from the Alabama came to the Deerhound. Mr. Lancaster came on board the yacht at Cherbourg about 10 o'clock on Friday night. His family came with him. The captain and some of the men went to meet him at the station. He never left the yacht after he came on board Friday night. It was reported in the town and common talk that the Alabama was going out to fight the federal vessel the next morning, Saturday. Believes Mr. Lancaster intended going to Southampton on Saturday, but stopped to see the fight. Knows the engineer had orders to get steam up if the Alabama got steam up. Thinks it was Mr. Lancaster's sons induced him to stay. Heard one of them say "Oh, pa, do let us see it." The Deerhound got under way before the Alabama, and steamed round her in going out. The Alabama came out soon after with a French iron-clad, which left her about three miles out. The Deerhound laid to, at a safe distance. When the Alabama was sinking Mrs. Lancaster and her niece began to cry, and the Deerhound then steamed towards her. It was the captain who gave the order to go round the Kearsarge. He (Richardson) was at the wheel. Some one on the Kearsarge called out, "Yacht, ahoy; lend a hand to save the people." Was not in the boats, which were both launched. Saw the captain of the Alabama brought. The men in the boat cried out, "Here's the captain." He got out of the boat first, and Mr. Lancaster took him below into the forward cabin. Thinks there were fifty other vessels out seeing the fight—one was a French yacht, sailing. Did not notice the Hornet then, but saw her afterwards steering towards Southampton. She did not arrive at Southampton while they were there, and thinks she must have gone to Cowes. Does not think Mr. Lancaster had any understanding with the Alabama. Is sure he had not. Some time afterwards it was talked of in the forecastle, and he supposes it must have come from the cabin some way, that a statement to that effect had been made in some of the papers, and that Mr. Lancaster had said if it went any further he would take law proceedings. Mr. Lancaster had his wife, three sons, (two grown up, and a young boy,) a daughter, niece, and a nurse with him. They all left at Southampton. The Deerhound was built in 1858, by Mr. Laird, for the Duke of Leeds. She has been lengthened since Mr. Lancaster had her about thirty feet by Mr. Laird, last winter but one. Left her at Inverness because he did not like the captain and engineer, nor the rules. Is now employed at Lairds'. Assisted to carry Mr. Lancaster's luggage to the omnibus at St. Malo. Thinks

they went about a mile to the omnibus. Richardson also says that Mr. Mason and Captain Bullock came on board the Deerhound at Southampton, and told the men they would be rewarded.

[Inclosure No. 3.]

Louis Dupois, a native of France, but whose friends live in Evansville, Indiana, and who was taken out of the T. B. Wales by the Alabama about twenty months ago, says he was midshipman's steward. The Deerhound was at Cherbourg three days before the engagement between the Alabama and Kearsarge. There were several yachts there, but only knew the names of the Deerhound, the Hornet, and another, he believes the Roe or Rose. The captain of the Deerhound might have been on board the Alabama; he never saw him that he knows of; did see some one from the Deerhound once, but does not know whether it was the captain. Knows that the captain and some of the crew of the Hornet were on board by seeing the name on their hats. The officers and crews of several of the yachts were on board. Saw no one from the Alabama visit the Deerhound; does not know of any one going. Does not know what yacht the chronometers and money went on board of. Does not know whether Mr. Lancaster, the owner of the Deerhound, was on board the Alabama while at Cherbourg, there were so many people on board; he might have been on board. When he saw him on board the yacht, he never thought whether he had ever seen him on board the Alabama; did not think about it; does not believe that he was on board the Alabama, though he might have been. Does not think there was any agreement for the Deerhound to be outside; she was a great way off, and went to the Kearsarge before she came to save the people. Does not know whether Mr. Lancaster was acquainted with Captain Semmes before. Did hear one of the crew of the Deerhound say he knew Captain Semmes again when he saw him in the water; does not know the man's name; he was a tall, slim man, light complexioned, small whiskers, about twenty-four years old. He was saved by the same boat which saved Captain Semmes. He was not in the boat with Captain Semmes. He was saved after the next trip; was taken to the Deerhound, and landed by her at Southampton.

[Inclosure No. 4.]

Mr. Higgins, (son of Captain Higgins, formerly emigration officer at Liverpool,) who shipped in the Alabama at Singapore as a seaman, says: The captain of the Deerhound was on board the Alabama more than once. Does not think there was any understanding with him, more than that he was told while on board that the Alabama was going out to fight. Does not know whether the owner of the Deerhound was on board the Alabama, but thinks not. There was a gentleman there with two little boys, but does not know whether he came from the Deerhound. Captain Sinclair came on board about nine on Sunday morning, and staid about half an hour, when he left in a shore boat. The money was sent ashore at Cherbourg. Saw chronometers sent away, but does not know where they went to; they might have gone to the Deerhound; believes they went to some yacht. Mr. Howell, a brother-in-law of Jeff. Davis, went in a boat to the Kearsarge, with some wounded, to get leave

to go and assist to save the drowning, and escaped to the Deerhound. He himself was saved by a Kearsarge boat, and taken to the Kearsarge. Is on parole. There were several yachts at Cherbourg; does not know whether the Hornet was one. Several came out to see the fight, but kept a long way off. Emery, engineer's steward of the Alabama, says they arrived there on Saturday, the 4th; that the crew were not allowed to go on shore. Captain Semmes was ashore several times, but not often; says there were a good many yachts at Cherbourg, but only one steam yacht, the Deerhound; that the crews of most of the yachts visited the Alabama. The only other yacht that he remembers the name of was the Hornet. A boat from the Deerhound visited the Alabama on the Saturday morning about ten o'clock; believes one of the men was the captain; he was a man about forty or thirty-five, with whiskers down the sides of his face; he remained about an hour. Captain Semmes was on board, but does not know whether the captain of the Deerhound saw him. They knew then that they were going out to fight the Kearsarge, but did not know when; has no doubt the captain of the Deerhound was told they were going out to fight. Does not know of any of the Alabama's officers or men going to the Deerhound; is certain the men were from the Deerhound, because he saw the name on their hats. No one particular visited the Alabama at Cherbourg, except Captain Sinclair, from Paris; knew it was Captain Sinclair, because he was told so; he had grayish whiskers; he came on board on Sunday morning about ten o'clock; he did not stay long, perhaps an hour; he came off in a shore boat, a hired boat, a large sail-boat, which waited for him and took him away again; he was only there that once. Does not know what yacht took the chronometers; knows a yacht took them, because he saw a yacht's boat come for them, but was busy with tea at the time and did not take much notice; it was about six o'clock on the Saturday evening before the fight. The Deerhound went out about half an hour before them; several other yachts went out also.

Mr. Adams to Mr. Seward.

No. 769.] LEGATION OF THE UNITED STATES,
London, September 1, 1864.

SIR: I have to acknowledge the reception of dispatches from the department numbered from 1066 to 1071, inclusive.

The most important of these is No. 1069, of the 15th of August, relating to the interference of Mr. Lancaster in the contest between the Kearsarge and the Alabama. I must admit to you that I have not as yet acted upon the instructions contained in your preceding dispatches on the same subject, No. 1025 of the 8th and No. 1035 of the 15th of July. The reason is this: Whenever I sat down to draw up a note on the matter, I met with so many obstacles growing out of the misconception of the actual state of the facts, under the imperfect information you had received at the time of writing, that, in view of the grave nature of the responsibility to be incurred, I decided to await the moment when you would have before you everything that could be supplied to form a judgment, including the letter of Mr. Lancaster to Lord Russell, which I had sent to you with my No. 755 of the 29th of July. It is only at this moment that your latest views, formed on a complete survey of the case, have reached me. I now propose to draw up a note to Lord Russell embodying the substance of your argument

as embraced in the respective dispatches, disconnecting it as far as possible from the various errors of fact which were intermingled with all the early representations that went to America. Inasmuch as this process will require some care, and perhaps repeated consideration, I fear I shall not be able to get a copy ready to send in time for the present steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 773.] LEGATION OF THE UNITED STATES,
London, September 2, 1864.

SIR: I have the honor to forward a copy of a note to me from Mr. Graham, the consul at Cape Town, of the 20th of July, reporting the facts connected with the non-restoration of the Tuscaloosa to her rightful owners.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, July 20, 1864.

SIR: Your dispatch of May 9, containing three inclosures, has been received.

On the 18th of June I sent a letter to the governor of this colony, then and now at Graham's Town, six hundred miles distant, informing him that I had received documentary evidence of ownership of the Tuscaloosa from the Atlantic Insurance Company, New York, and a power of attorney to act for the company, and was prepared to take over the vessel in their behalf. I also inquired whether I should transmit the papers to him, or submit them to the inspection of some one here delegated by him to examine and report upon them.

On the 30th of June I received from his excellency a communication replying that it rested with me which alternative to choose; but that if I had any further "representation" to make on the subject-matter of my dispatch, I might send the documents to the colonial office in Cape Town to be copied, and the copies to be transmitted to him.

On July 1 I sent the documents as required, accompanying them with the remark that I had no further representation to make in regard to the Tuscaloosa; that I still adhered to the claims advanced by me in my correspondence with his excellency last August; that as I had been informed by him, last December, that the Tuscaloosa was held subject to her American owner's order, and as I had received no official notification than the then decision of her Majesty's government had been receded from, I deemed it unnecessary to make any "further" representation.

On the 18th instant I received another letter from his excellency, replying that, on account of the great publicity given to the case of the

Tuscaloosa by the debates in Parliament, he had lost sight of the necessity of acquainting me officially that her Majesty's government had directed the restoration of the vessel "to the officers of the confederate navy," but that, as I had no doubt been fully informed by the officers of my own government, he hoped that no serious inconvenience had arisen.

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM,
United States Consul.

Hon. CHARLES F. ADAMS,
United States Minister, London.

Mr. Dudley to Mr. Seward.

No. 344.] UNITED STATES CONSULATE,
Liverpool, September 2, 1864.

SIR: I have the honor further to report, in compliance with the department dispatch No. 365, respecting the English yacht Deerhound and the part she took in the naval engagement off Cherbourg, that I deemed it my duty to visit France. I have just returned, and now beg to lay before you the result of my visit. I had a very interesting interview with Edward Liais, our consular agent at Cherbourg, who, with William L. Dayton, jr., esq., assistant secretary of legation at Paris, and several others, witnessed the fight and movements of the two vessels from a hill near Cherbourg. I took down Mr. Liais's statement, and procured a short one from Mr. Dayton.

The Deerhound arrived at Cherbourg on the 17th of June; Mr. Lancaster, her owner, on the 18th, in the evening, and immediately embarked on board of the yacht. On the morning of the 19th of June the Deerhound had her steam up by 8 o'clock, and, while the Alabama was still at anchor, ran out to the breakwater, apparently to reconnoiter, and then returned to the Alabama and appeared to communicate the result, and then went out to sea and took up her position near where the Alabama would pass, and as the latter came out went to her, and apparently, to those on shore, again communicated with her. Mr. Liais and Mr. Dayton both think the two vessels communicated, indeed have no doubt on the subject. Mr. Liais is quite confident that there was an understanding between the two vessels, and that the Deerhound was acting as an assistant to the Alabama, and as an additional reason for his belief gives the fact of Captain Semmes's delay in going out until the arrival of Mr. Lancaster. He says Semmes was all ready for several days, but was apparently waiting for something or somebody. Lancaster arrived on Saturday evening, and the fight took place the next morning. Inclosure No. 1 contains copies of Mr. Liais and Mr. Dayton's statement. I was unable to obtain any additional facts; all the seamen from the Kearsarge and Alabama have left Cherbourg. Mr. Liais, who is an intelligent man, promises to communicate if he can learn more.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Edward Liais, United States consular agent at Cherbourg, France, says:

I, with Mr. Dayton, secretary, &c., witnessed the fight between the

Alabama and Kearsarge. It took place on Sunday, the 19th of June, about fifteen miles from Cherbourg, and ended at six miles. The English yacht Deerhound arrived at Cherbourg on the 17th, two days before the fight. She was commanded by Captain Jones, and owned by Mr. Lancaster. Mr. Lancaster was not on board when she came. He arrived on the evening of the 18th of June, and went immediately on board his yacht. Next morning the steam was up on the yacht at 8 o'clock. Before the Alabama started, the Deerhound went out as far as the breakwater, apparently to reconnoiter and see where the Kearsarge was, and then came back and passed around the Alabama, very close to her, close enough to communicate, and I think did communicate with the Alabama. This was before the Alabama had got under way, and was witnessed by myself, Mr. Dayton, and others. The Deerhound then stood out to sea and took up a position near where the Alabama was to pass. The Alabama then went out by same pass the Deerhound took, and stood straight out to sea. The yacht again ran up very near to her and held up, and to all appearances again communicated with the Alabama. I think she did communicate with her. They were both observed by myself, Mr. Dayton, and others, and we were at the time all of the opinion that they then again communicated. I have no doubt about it. The yacht remained in this place where she had apparently communicated until she knew the result of the action. The Alabama, after the communication with the Deerhound, passed on, making toward the Kearsarge. The fight took place, and after an hour and two minutes the Alabama sunk. As soon as the fight ended, the Deerhound moved and run around and was requested to pick up the men in the water. She lowered her boats, picked up some of the men and officers, and put on her steam and started for Southampton. At the time she left all the men had not been picked up; there were many still floating in the water. It was generally understood for some days before the engagement took place that it was to come off. I received a communication from the person representing the confederates at Cherbourg, Mr. Bonfils, on the 14th of June, in the following words: [the original was retained by Mr. Bonfils, and a copy given for me.]

"CONFEDERATE STATES STEAMER ALABAMA,
"*Cherbourg, June* 14, 1864.

"SIR: I hear that you were informed by the United States consul that the Kearsarge was to come to this port solely for the prisoners landed by me, and that he was to depart in twenty-four hours. I desire you to say to the United States consul that my intention is to fight the Kearsarge as soon as I can make the necessary arrangements. I hope these will not detain me more than until to-morrow evening, or after the morrow morning at furthest. I beg she will not depart before I am ready to go out.

"I have the honor to be, very respectfully, your obedient servant,
"R. SEMMES, *Captain.*

"TO AD. BONFILS, Esq., *Cherbourg.*"

All the repairs on the Alabama were through and coal taken in some three or four days before the Deerhound arrived. Captain Semmes seemed to be waiting for something or somebody to arrive. The fight took place the next morning after the arrival of Mr. Lancaster. In fact, the commander of the Alabama, from the time indicated in the letter when he would be ready to fight, up to the time when it came off, did nothing but drill his men. The repairs were all finished, and he

merely laid at anchor, as if waiting. He could have gone out as well on one day as another. These facts made the impression on my mind that these two vessels were acting in concert, and that Captain Semmes was waiting for the arrival of Mr. Lancaster before he went out to fight. It is my firm belief that Captain Semmes was waiting for Mr. Lancaster to arrive, and that the two vessels had an understanding and were acting in concert. But I do not know of my own knowledge of any communication having passed between the two vessels, or between Mr. Lancaster, Captain Semmes, or Mr. Sinclair, before the Sunday morning of the fight, other than what I have detailed above; but arrangements could have been easily made by letter or by friends. The conduct of both vessels justifies the inference I have drawn.

At the time of the fight there was an English schooner-rigged yacht, called the Hornet, at Cherbourg; do not know to whom she belonged, or her captain's name. On the 18th of June, the day before the fight, the boat of the Hornet, about 4 p. m., went to the Alabama, and remained until about seven o'clock in the evening, when she returned to the yacht.

I know nothing where the chronometers were taken to. Captain Semmes asked permission to leave them at Cherbourg, but was refused by the custom authorities. It is understood a part of them were removed to some vessel before the fight took place.

EDWARD LIAIS,
Consular Agent.

AUGUST 31, 1864.

William L. Dayton, jr., assistant secretary of legation at Paris, says: About nine o'clock the yacht Deerhound got up steam and ran a little out toward the breakwater. After apparently observing for a few minutes, she returned and went alongside of the Alabama. She then stood out again, straight through the western pass, to sea. About two miles out she changed her course, heading more toward the Kearsarge. The Alabama then came out by the same pass, and stood straight out to sea, the yacht running up near, and apparently communicated with her.

Mr. Adams to Mr. Seward.

No. 779.] LEGATION OF THE UNITED STATES,
London, September 8, 1864.

SIR: I now have the honor to forward a copy of a note to Lord Russell, of the 6th instant, of the preparation of which I have already informed you in my dispatch of last week, No. 769, of the 1st instant. In it I have endeavored to embrace all the principal points contained in your several dispatches No. 1025, of the 8th, No. 1035, of the 15th of July, and No. 1069, of the 15th of August, with the exception of such as appeared to rest on information not sufficiently authenticated at the time of writing. In regard to the facts, I have received some additional aid from an opportunity given to me by Mr. Morse, the consul here, to examine and to weigh the evidence contained in several depositions lately taken by him.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 6, 1864.

MY LORD: I have hitherto delayed to acknowledge the reception of the several notes I have had the honor to receive from your lordship of the 27th June, the 8th and 26th of July, in reply to mine of the 21st of June, on the subject of the interference of the owner of the yacht Deerhound, from a desire that the government which I have the honor to represent should be enabled, before instructing me to act, to gain as complete information of the facts in the case as possible. It is not until very lately that I have been placed in full possession of its views, after a full consideration of the evidence connected with that transaction. I shall now proceed to submit the substance of them to your lordship's consideration.

To the better understanding of the case, I trust I may be pardoned if I recall your attention to the position heretofore taken by my government in regard to the vessel originally known as the gunboat No. 290, and latterly the Alabama.

The circumstances attending the construction, outfit, armament, manning, and navigation of that vessel are too well known, and have been too fully exposed in the correspondence which I have heretofore had the honor to conduct with your lordship, to need to be further dwelt upon.

I am instructed to say that, in view of all these, my government adheres to its previous declarations, and does not recognize the Alabama as a ship of war of a lawful belligerent power.

In connection with this point, and to guard against injurious inferences, it is proper for me to add that the proceeding of Captain Winslow, in paroling and discharging the men who fell into his hands, has been formally disapproved.

Your lordship will now permit me to call your attention to the statement made by me in my former note. It was in substance this: That whilst engaged in a successful effort to destroy this piratical vessel, and to capture her crew, the owner of a British vessel belonging to the Royal Yacht Association, being a spectator, so far interposed his aid as to effect the escape of certain members of the crew well known to be the chief agents in the navigation of that vessel, and most bitter enemies of the people of the United States.

I regret to be compelled, after a survey of all the evidence since produced, to repeat this allegation, and to superadd another which appears still more grave, to wit, that this was done by him in connivance with the very officer and boat's crew of the Alabama who had first been sent to the commander of the Kearsarge, for the purpose of surrendering them all as prisoners of war. Neither does it relieve this transaction of any of its gravity to know that the officer commanding that boat was himself a British subject.

Your lordship is pleased to remark, in your note of the 27th of June, concerning the act of the owner of the Deerhound, that he appears to have performed only a common duty of humanity in saving from the waves the captain and several of the crew of the Alabama, who would otherwise have been drowned, and thus would never have been in the situation of prisoners of war.

Unfortunately for this hypothesis, it does not appear that the owner of the Deerhound did rescue the principal persons from drowning. The only individual whose safety he appears to have taken pains to secure was Captain Semmes. The evidence seems to show that much the greater

proportion were rescued by the commanders and the crews of the enemy's three boats, the principal one of which had been sent to the Kearsarge to make a surrender and to ask for aid to rescue them. It further appears that after authority had been given to perform this common duty of humanity, great efforts were made to select the chief enemies of the United States, and transfer them, not, in accordance with the obligation originally incurred, to the Kearsarge, but to the hands of the owner of the Deerhound, another British subject, who had likewise been asked to assist, but who, instead of laboring further in the cause of humanity, hastened at once, on the reception of these obnoxious persons, paying no further regard to the larger number of his own countrymen still left struggling with the waves, to place them where he believed they would be beyond the reach of recovery by the victor.

But I must pray permission to go further, and to question your lordship's proposition that a third party, professing to be neutral, performs a common duty of humanity in interposing in a struggle between combatants to save those only on one side. On the contrary, so far as he may be successful, he appears to make himself a party to a continuance of strife and bloodshed. The men engaged in the Alabama were all acting in deadly hostility to the people of the United States. They were either prisoners or desperately pursued by the Kearsarge. If they had perished, the latter would have had the advantage of a lawful destruction of so many enemies. If they had been rescued by the Kearsarge, with or without the aid of the Deerhound, then the surrender of those persons, already made, would have been perfected, and they would have been prisoners. In neither case would they have remained hostile combatants. The Deerhound, by conniving at the escape of these men, and furnishing the necessary means to it by carrying them within a foreign jurisdiction, deprived the United States to a corresponding extent of the fruits of a long and costly pursuit and successful battle.

It is not pretended that it is any part of the duty of a neutral to assist in making captures for a belligerent. It is, nevertheless, as confidently affirmed that, instead of neutrality, it is direct hostility for a neutral to interpose in a battle so far as to rescue men of one side, who have been driven to surrender, and then convey them away surreptitiously from under the guns of the victor, thereafter to resume their hostility just as if they never had been overcome.

The irritation naturally created by such a proceeding in any case is much more aggravated when it comes to be considered that this vessel was built, armed, manned, and equipped in the ports of a neutral country, to which the Deerhound itself belongs; that her departure and subsequent depredations were the consequence of a failure to perform a recognized duty of prevention, and that the harboring of these persons after a rescue so made is only likely to terminate in efforts to renew these offensive acts from the same country in which the wrong was first committed.

In view of all these circumstances, I regret to be compelled to communicate to your lordship the expression of the President's surprise that her Majesty's government does not find in the proceedings of the owner of the Deerhound cause of severe censure or regret. And this is the more sensibly felt, that that person has not hesitated to avow in his own letter that he was actuated by a desire to withdraw these enemies of the United States from the power of their conquering vessel.

I am, however, directed to say that my government does not for a moment believe that any of the proceedings referred to, whether relating to the chief wrong-doer commanding the hostile vessel, to the yacht Deer-

hound, or to those British subjects who have not scrupled either publicly to declare their sympathy with or privately to aid and abet the violators of her Majesty's neutrality, are viewed with any other sentiments than those of regret and disapproval by the members of her Majesty's government.

Nevertheless, it appears to be a solemn obligation of my government, in view of all the grave consequences of such a proceeding, to sum up the conclusions to which, from a full consideration of the facts, it has now arrived:

1. The incidents as heretofore explained confirm the soundness of the opinion previously insisted upon, that the Alabama is justly to be regarded as to have attained at no point of time any other national character than that which may have attached to it from its construction, outfit, equipment, armament, and manning by British subjects out of British ports.

2. That the persons who escaped from this vessel thus fitted out by British subjects engaged in making unlawful war against the United States, after voluntary surrender as prisoners of war, by reason of the unlawful intervention of the commander of the British yacht Deerhound, and the conveyance of them within the jurisdiction of Great Britain, ought to be delivered up to the United States.

3. That the continuance of these persons to receive from any British authorities or subjects pecuniary assistance or supplies, or the regular payment of wages, for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.

4. The occasion has been thought to warrant a direction to me to ask with earnestness of her Majesty's government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any further naval expedition from British shores to make war against the United States.

In making these representations I am instructed to assure your lordship that the President is far from seeking causes of offense on the part of Great Britain. But he is charged with the duty of maintaining the belligerent rights of the United States on the high seas as they are recognized by the law of nations against all lawless combinations and resistance. He therefore trusts that her Majesty's government will consider the subject in a just and candid spirit, and himself as asking from it in this case only what, if the situation of the parties were reversed, would have been conceded to any similar request based on equally cogent considerations.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

N . 1093.] DEPARTMENT OF STATE,
Washington, September 19, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 2d of September, transmitting a copy of a note of the 20th of July last,

addressed to you by our consul at Cape Town, communicating the facts in regard to the non-restoration of the Tuscaloosa to her rightful owners. It seems necessary to inform her Britannic Majesty's government that this government is unable to acquiesce in the disposition of the subject which that government has made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1103.] DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 8th of September, No. 779. It is accompanied by a copy of the note which, under my instructions, you have addressed to Earl Russell on the subject of the interference of the Deerhound in the naval battle between the Kearsarge and the Alabama. The representation is approved, and the President desires me to express to you his appreciation of the care and candor you have exercised in preparing that important paper.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 789.] LEGATION OF THE UNITED STATES,
London, September 29, 1864.

SIR: I now have the honor to transmit copies of three notes which have passed between Lord Russell and myself subsequently to that sent to you with my dispatch No. 779, of the 8th September, embodying the substance of your instructions relating to the case of the yacht Deerhound.

The reply of his lordship seems to me to rank among the least favorable specimens of his style. It would have been easy for me to expose the fallacies of his conclusions, and still more the feeble, irrelevant, and discourteous excuse which marks the close. But under the circumstances I have thought it more prudent not to precipitate matters here by assuming responsibility in a controversy which seems to my eye to be one involving difficulties as serious as any that have been elicited by the war.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 12, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, respecting the case of the Alabama and the proceedings, on the occasion of the sinking of that vessel, of the owner of the Deerhound;

and I have to inform you that your communication will receive a reply as soon as it can be prepared.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 26, 1864.

SIR: I have to acknowledge the receipt of your letter of the 6th of this month upon the subject of the officers and men belonging to the Alabama who were saved by the owner of the Deerhound yacht from drowning, and were afterwards landed at Southampton. It is not my intention, in replying to that letter, to repeat arguments already exhausted, or to refer to observations already made. It seems to be sufficient that I should state to you the conclusions at which her Majesty's government have arrived, and which differ from those which your government have come to from the same facts.

In the first place, it is undoubtedly true that the Alabama was partly fitted out in a British port. But as soon as evidence was obtained that acts had been committed with regard to that vessel in violation of a British statute, orders were sent to seize her; she, however, escaped from British waters in a state of half equipment, under a fraudulent pretence of making a trial trip. Her equipment was afterwards completed in a foreign port, neither British nor American, and a commission from the so-styled confederate government was there delivered to Captain Semmes, her commander, himself an American citizen.

Secondly, I have to state that it appears to her Majesty's government that the commander of the private British yacht, the Deerhound, in saving from drowning some of the officers and crew of the Alabama, after that vessel had sunk, performed a praiseworthy act of humanity, to which, moreover, he had been exhorted by the officer commanding the Kearsarge, to which vessel the Deerhound had, in the first instance, gone, in order to offer to the Kearsarge any assistance which, after her action with the Alabama, she might stand in need of; and it appears further to her Majesty's government that, under all the circumstances of the case, Mr. Lancaster was not under any obligation to deliver to the captain of the Kearsarge the officers and men whom he had rescued from the waves.

But however that may be, with regard to the demand made by you by instructions from your government, that those officers and men should now be delivered up to the government of the United States, as being escaped prisoners of war, her Majesty's government would beg to observe that there is no obligation by international law which can bind the government of a neutral state to deliver up to a belligerent prisoners of war who may have escaped from the power of such belligerent and may have taken refuge within the territory of such neutral. Therefore, even if her Majesty's government had any power by law to comply with the above-mentioned demand, her Majesty's government could not do so without being guilty of a violation of the duties of hospitality.

In point of fact, however, her Majesty's government have no lawful power to arrest and deliver up the persons in question. They have been guilty of no offense against the laws of England, and they have

committed no act which could bring them within the provisions of the treaty between Great Britain and the United States for the mutual surrender of offenders, and her Majesty's government are, therefore, entirely without any legal means by which, even if they wished to do so, they could comply with your above-mentioned demand.

Thirdly, with regard to the statement made to the United States government, that British authorities afford pecuniary assistance or supplies, or furnish regular payment of wages to persons forming the crew of the Alabama, for the purpose of enabling them more effectually to carry on hostile operations against the United States, I have to say that her Majesty's government have no knowledge whatever of any such circumstances, and do not believe that there is any foundation for such statements. Private individuals may very possibly have contributed to relieve the necessities of the persons in question, but with the pecuniary contributions of private individuals her Majesty's government have no power to interfere.

I beg further to assure you that her Majesty's government have adopted, and will continue to adopt, to the utmost of their lawful power, such measures as may be effective to prevent the preparation, equipment, and outfit of any naval expedition from British shores to make war against the United States.

The detention and seizure of the Birkenhead iron-clads, and the discussions in Parliament on that subject, suffice to show that if complete prevention in this respect has not been attained, all that the government of this free country can do to stop such expeditions has been fully performed.

Lastly, in expressing the regret of her Majesty's government that they should find themselves unable to comply with any application which the government of the United States may have thought themselves entitled to make, I cannot refrain from observing that her Majesty's government have been far more successful in preventing breaches of neutrality with regard to the fitting out of cruisers to take part in the civil war in North America, than the government of the United States were in preventing the fitting out of ships of war to aid the South American republics in their revolt against Spain, which power then stood in the position of a central authority resisting insurrection.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 27, 1864.

MY LORD: I have the honor to acknowledge the reception of your note of the 26th instant, communicating to me the conclusions at which her Majesty's government have arrived on the representations which I submitted on the 6th instant, under special instructions, respecting the proceedings of the owner of the yacht Deerhound, and the collateral questions involved therein.

Regretting to perceive so wide a divergency in the views taken by the two governments of a subject involving grave principles of law not less than important rules of international comity, I shall not venture

upon the consideration of the contents of your lordship's note in advance of their passing under the examination of my government. Meanwhile, I shall avail myself of the earliest opportunity to transmit the paper to the United States, and await the return of further instructions.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1117.] DEPARTMENT OF STATE,
Washington, October 10, 1864.

SIR: I transmit herewith, for your information and guidance, a copy of a dispatch of the 14th of September from our consul at Liverpool, which is accompanied by a copy of an affidavit of Brent Johnston, a seaman, who was on board of the Alabama from the time of her departure from Liverpool until she was destroyed by the Kearsarge. I hope that you have given this subject all needful attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Dudley to Mr. Seward.

No. 351.] UNITED STATES CONSULATE,
Liverpool, September 14, 1864.

SIR: I now have the honor to inclose you additional information, showing the connection between the yacht Deerhound and the Alabama at the time of the fight with the Kearsarge, off Cherbourg. It is an affidavit of Brent Johnston, a very intelligent seaman, who was on the Alabama from the time she sailed from Liverpool until she sunk, and who was one of those saved on the Deerhound. He swears positively that Mr. Lancaster, the owner, was on board the Alabama on the Friday before the fight, and that Captain Sinclair was there on Sunday morning. He also states that sixty-five of the chronometers were taken to the yacht Hornet the evening before the fight. This yacht was an English sailing yacht. His information is that they were all landed at Southampton and taken to London.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Deposition of Brent Johnson.

Brent Johnston, of Barnstable, England, mariner, being sworn, says: I shipped on the Alabama in Birkenhead, in July, 1862. I shipped on

the 28th, and we sailed on the 29th. I shipped as a seaman. I did not then know what she was, and thought she was going to Nassau. I reshipped at Terceira as boatswain's mate. I was disrated by court-martial. At Singapore I was made quartermaster, and remained so until I was paid off at Southampton, after the Alabama was sunk. We arrived at Cherbourg on a Monday, the Monday before the fight. I remember the yacht Deerhound arriving at Cherbourg; she arrived either on Wednesday or Thursday evening, between seven and eight. There were other yachts at Cherbourg, but she was the only steam yacht. The others were the Hornet, the Pearl, and another cutter, the name of which I did not know. People from all the yachts visited the Alabama. Mr. Lancaster, with his wife and family, from the Deerhound, was on board on the Friday. I was quartermaster on watch when he came. He came in his own boat. I did not know his name at that time, but I was told by the boat's crew that he was the owner of the Deerhound. The men in the boat which brought him had Deerhound in gilt letters on their hats. I was saved by the Deerhound, and knew Mr. Lancaster again as soon as I saw him, and recognized him as the same I had seen on board the Alabama. I only saw him once on board the Alabama. He was on board about an hour. He went all over the ship. He was in the cabin. Captain Semmes was on board at the time. I know that Mr. Lancaster and his family were in the cabin with Captain Semmes for about ten minutes. I know it because I went below to ask if they could come down. The officer of the deck sent me below to ask if Captain Semmes was disengaged, as the owner of the Deerhound was on board. Captain Semmes replied, "Show the gentry down." The captain of the Deerhound had been on board before that. The Deerhound was anchored about six hundred yards from the Alabama. Captain Semmes was not ashore at Cherbourg. Captain Sinclair was on board the Alabama on Sunday morning. He came about half-past nine. He did not stop long. Captain Sinclair's son was in Cherbourg and wanted to get on board, but was not allowed by the authorities. Captain Sinclair came in a shore boat, which waited for him. The Deerhound got under way before us; she appeared to steam out of the harbor, but came back and inside of the Alabama, then went round the starboard, and then went out. She did not come very near us when she came round again—not so near as she had been before she got under way. There was no communication with her; she was not near enough for that. There was no signal or anything of that sort. We did not go out of the same entrance that she did. She went out of the east entrance, and the Alabama went out of the west entrance. We were better than an hour after her. I did not notice the Deerhound after she went out until after the fight. I should have noticed her if she had been near us. It must have been a good half hour after the last shot was fired after the Deerhound came up to us. I was saved by swimming to the Deerhound. Mr. Lancaster assisted me on board. I was the first on board. Captain Semmes was brought in one of the Deerhound's boats about seven or ten minutes after. I did not see him come. I did not see him for an hour afterwards. I was told of his being brought. The Deerhound laid there about a quarter of an hour or more after Captain Semmes came aboard before she steamed away. She steamed straight to Cowes, and then to Southampton, where she landed all but myself and another the same night about ten o'clock. I left her about half-past six on the next morning, Monday. I don't think there was any arrangement between Captain Semmes and the Deerhound. I think Captain Semmes was certain he should beat the Kearsarge. I received a splinter through my foot, and

some other slight wounds, during the fight. I have been in five other engagements. I was in the Crimean war, and I was over three months with Garibaldi. I was with him at the taking of Palermo.

On Saturday evening before we came out I assisted to pass chronometers from the Alabama into a boat from the yacht Hornet. The boat came twice and took sixty-five chronometers. At Southampton I lodged at the house of one of the crew of the Hornet, named John Williams, and when I received part of my pay I went to see him at Gravesend. The Hornet was then there. That would be on the Thursday after the fight. Williams told me the chronometers had just been landed. I have been informed by one of the officers since I came here that they were all taken to London and sold.

BRENT JOHNSTON.

Sworn at Liverpool, in the county of Lancaster, the thirteenth day of September, one thousand eight hundred and sixty-four, before me,

A. T. SQUAREY,

A Commissioner to Administer Oaths in Chancery, in England.

Mr. Seward to Mr. Adams.

No. 1126.] DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 29th of September last, No. 789, which is accompanied by a copy of Earl Russell's answer to the representation concerning the intervention of the Deerhound in the naval battle which occurred off Cherbourg between the United States ship of war Kearsarge and the pirate Alabama.

That paper has been submitted to the President, and I am charged to inform you that, after a careful consideration of the same, this government thinks itself entitled to adhere to the several positions it has heretofore assumed in regard to that painful transaction, as those positions have been made known by you to her Majesty's government.

In communicating this conclusion to Earl Russell you will express to him the President's concern at our failure thus far in the efforts we have made to avert a misunderstanding between the two countries upon a point which the American people have come to regard as seriously affecting their national honor and dignity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 805.] LEGATION OF THE UNITED STATES,
London, November 3, 1864.

SIR: Having had an opportunity informally to see Lord Russell, I seized it to make verbally a communication to him of the remark contained in your dispatch No. 1093, of the 19th of September, on the subject

of the Tuscaloosa. His lordship made no observation, excepting to the effect that the case had been full of difficulties.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 814.] LEGATION OF THE UNITED STATES,
London, November 18, 1864.

SIR: I have the honor to transmit a copy of a note addressed by me to Lord Russell on the 10th instant, embracing the substance of your dispatch, No. 1126, of the 17th of October, on the subject of Mr. Lancaster's intervention in the action of the Kearsarge and the Alabama. I presume this to be the close of that correspondence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 10, 1864.

MY LORD: In regard to the note of the 26th of September last, which your lordship did me the honor to address me, I now ask permission to make only two observations preliminary to communicating to you the final instructions of my government.

Your lordship is pleased to remark that her Majesty's government consider the act of the commander of the Deerhound, in interposing to save from drowning Captain Semmes and other officers and men of the Alabama, as a praiseworthy act of humanity; and further, that any proposal to restore them to the hands of the victors in the struggle, after they had reached the limits of this kingdom as a refuge, could be viewed only as involving a violation of the duties of hospitality, of which that government would not be guilty.

I beg leave to recall your lordship's attention to the original allegation in my note, which was to the effect that Captain Semmes and his companions, after being saved from drowning by the intervention of a British subject, did not reach the limits of this kingdom as a refugee claiming the right of hospitality, so much as in the position of a belligerent determined to make his escape from capture or death to a neutral territory, useful to himself and his cause by initiating further hostile proceedings against his enemy, is the very place where he claimed hospitality.

I have the strongest reasons for believing that the time which has passed whilst I have had the honor to conduct this correspondence with your lordship has been spent by the enemies of the United States, British and native-born, in fitting out another vessel from this kingdom to do the same sort of piratical work which the Alabama did until she was

sent to the bottom, which vessel has sailed from here to an agreed place on the ocean, where the same sort of equipment and armament which was placed on the Alabama has been placed on board of her by another British vessel, sent from this kingdom for the purpose, and where were transferred Captain Semmes and his companions, the persons saved by the alleged humanity of Mr. Lancaster, for the ultimate object of continuing a war of destruction of life and property against the people of the United States. Whether I am correct or not in these statements, as yet founded only on information of a private character, time will not be long in establishing; should I prove to be so, your lordship will perhaps pardon me if I persist in maintaining the opinion that neither was the act of Mr. Lancaster in saving Captain Semmes from capture humane, nor is the act of her Majesty's government in protecting him to be viewed as wholly within the limits of that sort of hospitality which it would value in any other nation if practiced towards the people of Great Britain.

Your lordship is pleased further to observe towards the close of your note that her Majesty's government have been far more successful in preventing breaches of neutrality, with regard to the fitting out of cruisers in this war, than the government of the United States were in preventing the fitting out of ships to aid the South American republics in their revolt against Spain.

Were it expedient at this late day to enter upon an examination of the relative merit of the two governments in the two very widely different stages of their condition in acquitting themselves of their obligations of neutrality under circumstances of difficulty, I am not aware that any result which might be arrived at would have an effect in materially varying the views that should be taken of the shortcomings of either. Very fortunately, I am saved the necessity of further discussion of it by pointing out to your lordship a circumstance which seems to have entirely escaped your attention. Whatever may have been the deficiencies of the United States in the instance alluded to, compensation therefor has been made to Spain, and her full and free release has been given under the sanction of her hand to a solemn treaty. Whenever her Majesty's government shall acknowledge itself prepared to perfect the parallel instance, the example may be cited against the United States, but not until then.

I have now the honor to inform your lordship that, after a careful consideration of your note of the 26th of September, my government thinks itself entitled to adhere to the several positions it has heretofore assumed in regard to the painful transaction in question, as these have been made known through me to her Majesty's government. I am further directed to express to you the President's concern at the failure, thus far, of the efforts that have been made to avert a misunderstanding between the two countries upon a point which the American people have cause to regard as seriously affecting their national honor and dignity.

Praying your lordship to accept the assurances of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 825.] LEGATION OF THE UNITED STATES,
London, December 1, 1864.

SIR: Lord Russell has sent me still another note in regard to the Deerhound. * * * I forward copies of his note and of my answer.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 29, 1864.

SIR: In acknowledging your letter of the 10th instant,I have no wish to prolong the controversy between us on the topic of the Deerhound and the rescue of Captain Semmes and other persons from drowning. On the general subject I refer you to the dispatch which I have addressed to Lord Lyons, and of which I have had the honor to send you a copy in my note of this day.

There are, however, two points to which I wish to call your attention.

The first is, that you have omitted to notice the gist of my answer to your complaint.

The first question is not so much whether the act of the commander of the Deerhound, in interposing to save from drowning Captain Semmes and other officers and men of the Alabama, was "a praiseworthy act of humanity," and whether any proposal to restore them to the hands of the victors in the struggle after they had reached the limits of this kingdom could be viewed only "as a violation of the duties of hospitality." These considerations, I say, are not so much at issue as the question, What is the legal obligation, with regard to these matters, of her Majesty's government towards the United States? On this question I affirmed—

1. That the municipal law of this kingdom gave the government no power or authority to deliver up to the United States Captain Semmes, his officers, and men.

2. That the law of nations does not impose upon the government of the United Kingdom the duty of delivering up to the United States persons in the condition of Captain Semmes and such of his officers and men as had taken refuge in this kingdom.

The next point regards the differences between the United States and Spain, to which I referred. I do not wish to go fully into it now, although I may hereafter do so in correspondence with the government of the United States. I will only point out at present the nature of the complaint made by the Spanish minister in 1818, and the tenor of the principal article of treaty by which the differences between Spain and the United States were adjusted.

Señor de Onis, the Spanish minister at Washington, wrote, on the 16th of November, 1818, to the United States minister to the following effect: "Whatever may be the forecast, wisdom, and justice conspicuous in the laws of the United States, it is universally notorious that a system of pillage and aggression has been organized in several parts of the Union against the vessels and property of the Spanish nation," &c.

After a long negotiation the complaints of Spain were satisfied by a treaty signed on the 22d of February, 1819. Article IX of that treaty states that "the high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claim for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty."

Whether such a treaty would furnish any elements for negotiation between our two governments I am not prepared to affirm. But it can scarcely be said that this treaty arrangement for the mutual abandonment of claims constituted a specific grant of compensation to Spain by the United States for injuries complained of by Spain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 1, 1864.

MY LORD: I have had the honor to receive your note of the 29th of November, in reply to mine of the 10th of that month, on the subject of the Deerhound.

The reason why I omitted to enter into the discussion of the main points of your lordship's note of the 26th of September was, that I had been directed by my government to present the conclusion to which it had come from a full examination of them, which appeared to render further argument on my part superfluous. Otherwise, it would have given me great pleasure to have examined the questions, 1st, How far the absence of statute law, depending on volition, can be urged in extenuation of the omission to fulfill the acknowledged obligations of international law; and 2d, How far the acknowledgment of the right to asylum by a neutral power is admitted by international law to tolerate the harboring of enemies, abusing that right, for the purpose of more effectually injuring the people of a friendly nation. But I forbear, because I have no authority to prolong the controversy, and I join with your lordship in adding that I have no such desire.

With regard to your lordship's notice of my reference to the treaty of the United States with Spain, as not sustaining the allegation contained in my note, which foreclosed all possibility of drawing the parallel between the action of the two nations which was attempted in your note of the 26th of September, I may only be permitted to repeat my surprise that the passage referred to should even yet have so completely escaped your lordship's attention. Had you passed from the 9th article, which you quote, to the 10th, which recapitulates the claims released and surrendered on each side, you would have found on the part of Spain an express renunciation of four classes of claims, the two last of which are in the following words:

"3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York;

"4. To all claims of Spanish subjects upon the government of the United States *arising from unlawful seizures at sea* or within the ports and territorial jurisdiction of the United States."

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Burnley to Mr. Seward.

WASHINGTON, *December* 8, 1864.

SIR: Her Majesty's government have attentively considered the note which you did me the honor to forward to me on the 24th of August, relative to the coal seized at Angra Pequeña, by the commander of the United States steamer Vanderbilt, and it becomes my duty to lay before you the views of my government on this subject.

It appears to her Majesty's government in the first place that there is no justification at present shown for the assumption, as stated in your above-mentioned note, that the coals in question were in fact deposited at the place from whence they were taken for the use of the navigators of the Alabama.

Her Majesty's government have (with very good reason) denied that any intention on the part of the British owners of those goods to sell them to the navigators of the Alabama would, if it were established, constitute a legal ground for the seizure of those goods, while remaining British property, by a United States vessel at Angra Pequeña. You observe that by this denial the United States government is "left to infer that the claimants placed their coal on the island of Angra Pequeña for the use of the navigators of the Alabama."

Her Majesty's government consider that such an inference is in every sense gratuitous and unwarranted, and that if the thing inferred is that the deposit of this coal was in effect a delivery in pursuance of a contract with the navigators of the Alabama, this is not only not implied in, but is distinctly opposed to, the very hypothesis of fact on which her Majesty's government have expressed their views of the law, while neither knowing nor admitting for what purpose the coals in question were actually deposited.

It appears also to her Majesty's government a proposition directly at variance with the principles and practice of international law to maintain that the Alabama (however those who originally fitted her out may have been guilty of violating the municipal law of Great Britain) could, on that or on any other account, be treated or considered as a pirate, and they consider it necessary to remind the government of the United States that they cannot claim the rights of a belligerent from neutral states, and at the same time disregard their own obligations towards those states; that the United States government are not justified in seizing the merchant vessels of neutral states upon the high seas, on the ground of their intention to violate a blockade, without at the same time religiously respecting the property of the neutral in territories or in dominions over which they and the belligerents have no legitimate authority.

Her Majesty's government maintain, therefore—

1st. That there is no ground at present shown for asserting that the coal placed on Angra Pequeña was placed there by the neutral owners

in pursuance of a contract with the enemies of the United States, so as to make it, when there, enemy's property.

2d. That if it was, when at Angra Pequeña, British property, it was not in that place subject to any belligerent right of the United States.

3d. That there is no ground for asserting that the Alabama making war on the ships and sailors of the United States was in any other position than General Lee and his army, as a belligerent engaged in war on the forts and armies of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1200.] DEPARTMENT OF STATE,
Washington, December 25, 1864.

SIR: Your dispatch of the 1st of December, No. 825, has been received. It is accompanied by letters which have passed between Earl Russell and yourself, supplemental to the long and unsatisfactory correspondence between the United States and Great Britain, upon the subject of the Deerhound. Your answer is approved.

I am well aware that constitutional governments often plead (perhaps necessarily) the want of direct authority by municipal law to perform duties of international obligation, nor am I prepared to deny that the plea is entitled to very conciliatory consideration, especially by other constitutional governments. On the other hand, is it not justly to be expected that the plea, when adopted, will be accompanied by an acknowledgment of the national obligation? and that when that obligation is denied, the plea of want of municipal authority will not be insisted upon? Duplicity in pleading is no more legal in international than it is in municipal jurisprudence. It seems to me also that in your rejoinder you have answered the argument which Earl Russell seeks to derive from ancient collisions between Spain and the United States. If, however, the case were otherwise, Great Britain could hardly expect us to be concluded by erroneous precedents of our own, after she has so entirely abandoned, in her claims in the Trent case, the principles upon which she had conducted maritime war for three-fourths of a century.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 879.] LEGATION OF THE UNITED STATES,
London, February 16, 1865.

SIR: I have the honor to transmit copies of correspondence held with Lord Russell on the subject of outfits of vessels for account of the rebels.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Earl Russell.

[Extract.]

LEGATION OF THE UNITED STATES,
London, February 7, 1865.

MY LORD: * * * * * * *

I likewise have the honor to transmit a copy of an advertisement taken from the Liverpool Daily Post, of the first instant, going to show that the crew of the vessel formerly known as the Alabama, being all of them British subjects, enlisted in violation of law, on a voyage of hostility to the United States, are openly paid their wages by agents of the insurgents in a British port, just as if they had been embarked in a common undertaking, fully recognized by all the British authorities.

It is not without great pain that I am constrained to admit the impression that her Majesty's government seem to be almost without the power to restrain the commission of this systematic abuse of the law of neutrality within her territories. I regret it the more that it seems to be gradually fixing in the minds of my countrymen a conviction that there is little reciprocal force in treaty obligations, and hence that it is expedient for them to be released, as far as possible, from those into which their government has heretofore cheerfully entered with Great Britain. I trust I need not say to your lordship that this state of things is regarded by me as most unfavorable to the best interests of both nations, which would, in my view, dictate rather a closer approximation than any alienation.

Not having had any reason to doubt the favorable disposition of her Majesty's government, I still cherish the hope that some additional means may be devised to correct the evils complained of, and to restore that confidence in reciprocity of friendly action which is the only stable foundation of all international relations of amity throughout the world.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Advertisement paying crew of the No. 290.

LATE CONFEDERATE SCREW STEAMER ALABAMA.

On and after the 1st of February next, £10 will be paid to each of the crew of the late confederate screw steamer Alabama, (who were on board at the time of her loss,) as compensation for their bags lost in that ship. The money will be paid on application to Richard Taylor, at the office of M. P. Robertson, esq., Bumford Court, Liverpool, between the hours of 12 meridian and 2 p. m.

Men must produce their discharges, and administrators of deceased men must bring their certificates of administration.

LIVERPOOL, *January* 27, 1865.

Mr. Adams to Mr. Hunter.

[Extract.]

No. 964.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I have the honor to transmit a copy of my reply, dated the 20th, to Lord Russell's note of the 4th instant, which I have already in my No. 952 mentioned as being in preparation. * * *

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. W. HUNTER,
Acting Secretary of State.

[The foregoing dispatch, together with its inclosure, is printed in full under the sub-division "Demand for Revocation of Rebel Belligerency." Vol. I, p. 303. Dispatch No. 952, above referred to, is printed under the same subdivision, Vol. I, p. 294.]

Mr. Adams to Earl Russell.

[Extract.]

LEGATION OF THE UNITED STATES,
London, May 20, 1865.

MY LORD: * * * * * * *

The next example was that of gunboat No. 290, afterwards well known as the cruiser the Alabama. I refer to this case once more only because it has been particularly referred to by your lordship. I do so for the purpose of expressing my dissent from the statement made in your note in regard to certain important particulars.

Your lordship is pleased to state that the papers affording evidence of a design to equip this ship for the confederate service were furnished to you on the 22d and on the 24th of July. This is certainly true. But your lordship will be kind enough to remember that my first note giving information as to the character of that vessel was dated on the 23d of June, that is, one month preceding. On the 4th of July, the commissioners of her Majesty's customs, to whom that representation was referred, made a report admitting the fact that the vessel was certainly built for a ship of war, but affirming that the evidence presented of her being intended for the so-called confederate government was not sufficient to justify a detention. The concluding sentence in their letter was in these words; I pray permission to ask your lordship's particular attention to them:

"We beg to add that the officers at Liverpool *will keep a strict watch upon the vessel*, and that any further information that may be obtained concerning her will be forthwith reported."

Here was a distinct pledge on the part of two of her Majesty's officers that "they would keep a strict watch on this vessel;" which pledge was sent to me with your lordship's note of the 4th of July, requesting me to obtain such further evidence as might tend to show the destination of the vessel. Considering this as a distinct engagement, sanctioned by her Majesty's government, to keep faithful watch over that vessel so long as it might be necessary to obtain more evidence as to her character, the precise date of the receipt of that evidence becomes a question of second-

ary importance. The true question appears to be, how that pledge was actually redeemed. This will appear clear enough in the sequel. On the 9th of July the consul made a statement to the collector of facts as they had become known to him.

He entered into a number of details in respect to the persons engaged in connection with this vessel, naming individuals with a particularity certainly deserving of some investigation by her Majesty's officers at Liverpool, if they really meant to satisfy themselves that she ought to be detained. But it does not appear that they considered it their duty to initiate, or even to carry on any inquiry.

The board of customs contented themselves with a formal reply on the 15th instant, denying that there was sufficient *prima facie* evidence to justify a seizure of the vessel.

On the other hand, my lord, I must take the liberty to remark, after a calm re-examination of the substance of that letter, that, if there was not *prima facie* evidence enough in it to justify the seizure, there was matter enough in it to make it the bounden duty of her Majesty's officers to lose no time, and omit no effort, to obtain the evidence on their own account, to verify or to disprove the allegations.

They do not so appear to have read their duty; the consequence was, that more time was necessary for me to procure the information, which, as officers of the Crown, they admit in their own letter they ought to have procured themselves. I did obtain evidence, though the process naturally consumed time. That evidence was submitted on the 21st of July by the consul at Liverpool to the collector of that port, and by him referred to the board of customs. The deliberate answer of that body was made on the 23d of July, and it was to the effect that it was *not* sufficient to justify any steps being taken against the vessel under the law.

Thus far it appears, that, although her Majesty's officers had pledged the government to "keep faithful watch over the vessel and report any further information they might obtain," no one of them seems to have been disposed to pay the smallest attention to any representations or any evidence offered by myself, or any agent of the United States, even so far as to stimulate his own action in any way whatever. A change now took place, to the nature of which I beg most particularly to call your lordship's attention.

On the next day after the decision of the customs board I had the honor of sending to your lordship copies of six of the very same depositions which had already been sent to them. Whether these would, by themselves, have met with a better fate, I cannot venture to pronounce, but on the 24th I transmitted two additional ones, to which was appended a professional opinion by a British subject, distinguished as a Queen's counsel, which had been given to me after a careful examination of all these papers. It was to the following effect:

1. "That if the collector of Liverpool did not detain the vessel, he would incur a heavy responsibility, of which the board of customs must take their share.

2. "That if the vessel was allowed to escape, it deserved consideration whether the federal government would not have serious grounds of remonstrance."

These were ominous words; they laid the responsibility distinctly upon the very parties who had given the original pledge of vigilance and attention; and yet, during the very interval in which her Majesty's government was deliberating upon their purport, the vessel was permitted to escape. Neither did this event occur without most explicit warning

of the danger having been given by a person acting on behalf of the United States. As early as the 23d of July, six days before that escape, Mr. Squarey, the solicitor employed in the case, addressed a note to the secretary of the customs board, warning them most distinctly of the fact that the vessel was ready for sea, had fifty men on board, and could sail any time. On the 26th he wrote another letter, repeating the warning once more; yet, in spite of the promise to keep a strict watch, and in spite of these repeated warnings, the vessel was permitted to steam out of Liverpool just as if no cause of suspicion of her destination had ever been excited. And as if to crown the extraordinary character of the transaction, after receiving from Mr. Squarey notice, on the 29th, that the vessel was actually gone, it was not until the 31st that the telegrams were issued to Liverpool ordering her detention. I must respectfully represent to your lordship, that this proceeding, so far from appearing to do any justice to the demand of the United States, looks almost as if it were intended for a positive insult. It is true that on the same day, telegrams ordering her detention were sent to Cork likewise, on the 1st of August, to Beaumaris and Holyhead, and on the 2d of August a letter was sent to the collector at Cork to the same effect. For all practical purposes, they might have been sent just as well at this moment that I am addressing these lines to your lordship. It further appears that instructions were sent to the governor of the Bahamas, in case the vessel should visit Nassau. The vessel did not visit that place, but the next time she visited a port within her Majasty's dominions was after she had entered upon her career of depredation; and then, instead of being detained, she was politely received and acknowledged as the vessel of a *bona fide* belligerent.

It now appears, that from the day when, by the flagrant negligence of her Majesty's board of customs, this vessel, admitted to be intended for war purposes, was suffered to depart from the port of Liverpool, down to the hour of her destruction by the United States steamer Kearsarge off the coast of France, she came again and again into ports within her Majesty's jurisdiction, and instead of being treated as her Majesty's government directed if she should go to Nassau, she was everywhere hailed with joy and treated with hospitality as a legitimate cruiser.

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I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

[For further reclamations for the depredations of the Alabama see division "Negotiations Concerning Claims.]

THE TALLAHASSEE.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1070.] DEPARTMENT OF STATE,
Washington, August 15, 1864.

SIR: * * * * * *

A new piratical vessel named the Tallahassee has appeared off the coast of New York, and committed a series of vexatious depredations. She is said to be an English-built vessel, and is supposed to have been armed at Bermuda. I wait for definite information on these points, to determine whether there is occasion for representations to her Majesty's government concerning the Tallahassee.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1074.] DEPARTMENT OF STATE,
Washington, August 20, 1864.

SIR: * * * * * *

There is reason to believe that British subjects, hostile to the United States, have only changed their form of proceeding in sending out armed vessels to make war against the United States. The Tallahassee is said to have been built and to have come out in the character of a merchant vessel, but to have been furnished with an armament in Liverpool. She appears on our coasts as a pirate, and she is received at Halifax. Her master is reported as saying that she is only one of several very fast steamers, of the same character, which have been built at Liverpool, with armaments prepared in the same way. Bermuda and Halifax are to be bases of operations. I refrain from comment until there shall have been time for Earl Russell to have replied to your note concerning the Georgia, and in the expectation of more definite information in regard to the Tallahassee.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 12, 1865.

MY LORD: I have the honor to transmit, for the information of your lordship, a copy of a letter received by me from Mr. Dudley, the consul

at Liverpool, respecting the arrival at that port of the steam vessel known as the Tallahassee, but more lately as the Chameleon.

I pray your lordship to accept the assurances of the highest consideration, &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, April 10, 1865.

SIR: The confederate pirate steamer Tallahassee arrived in the river Mersey yesterday, direct from Nassau. She anchored and lay there until this morning, since which he has gone into the Birkenhead docks, the same that held the pirate Sumter, now called the Gibraltar. I am told that the officers are all on board, but not in uniform, and that the three guns that she had mounted on her decks while cruising, two swivel and one large pivot, are stowed below in the hold, but the traverses on the deck for working them, and the rings, bolts, &c., are still remaining. She, of course, is under the confederate flag.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister.

Mr. Adams to Mr. Hunter.

No. 966.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I have the honor to transmit a copy of a note from Lord Russell to me of the 27th of April, relative to the steamer formerly known as the Tallahassee, in Wilmington, and later as the Chameleon, at Bermuda and at Liverpool.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 27, 1865.

SIR: With reference to the case of the Chameleon, otherwise Tallahassee, to which you drew my attention in your letter of the 12th instant, I have the honor to state to you that it appears, from a report which has been made by a competent naval officer to her Majesty's government, that that vessel has not, since the 27th of last December, assumed the character of a confederate cruiser. On that date the Chameleon, having previously landed her armament, left the port of Wilmington with a cargo of cotton for Bermuda. At Bermuda she took on board a cargo for Wilmington, but finding that port, as well as Charleston, in the possession of the United States forces, she returned to Ber-

muda, whence she arrived direct at the port of Liverpool, having a cargo of copper, telegraph wire, and tobacco, amounting altogether to about one hundred tons.

The crew of the Chameleon is stated to have numbered forty persons, all told, eighteen of whom were stokers, and this, the report says, is not an unusual number for a vessel employed in blockade running. The greater part of the crew have now been discharged.

Her Majesty's government have been advised that there is nothing to show that the Chameleon is not now what she is represented to be, namely, a merchant vessel carrying the flag of the so-styled Confederate States, or that any part of her cargo is prize taken from United States citizens, and under these circumstances her Majesty's government have not felt themselves warranted in refusing permission to the Chameleon to discharge and deliver her cargo at the port of Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

THE SHENANDOAH.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, October 7, 1864.

SIR: A screw steamer called the Laurel, I understand, has been recently purchased for the confederates. She is about three hundred tons burden, nearly new built, very strong and admirably adapted for a privateer. She is at this point, and has been entered by Henry Lafore to load for Matamoras via Nassau. She has taken on board a number of cases containing guns and gun-carriages. There is nothing to prevent their being mounted on her decks, as soon as she leaves the port. I fear this will be done. Having been built as a passenger boat to run between Liverpool and Sligo, she can accommodate all the officers and crew necessary to man her. I have no evidence to implicate her except taking on the guns in cases.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister.

N. B.—I have just learned that one of the officers, a lieutenant on the pirate Georgia, is to go out in the Laurel. She has twenty-one seamen more than required for a vessel of this class. Her movements are most suspicious. I fear she is to be a privateer. She will go to sea to-morrow.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 362.] UNITED STATES CONSULATE,
Liverpool, October 8, 1864.

SIR: * * * * * * * *

A screw steamer called the Laurel, built at Glasgow during last year,

has been purchased within the past few days for the confederates. On the 5th instant they entered her at the Liverpool custom as a *sailing* vessel to load for Matamoras via Nassau. She has taken on board cases marked as machinery, but in reality containing guns and gun-carriages, such as are used in war vessels. Henry Lafore acts as her consignee. She has gone into the river, and will, most likely, sail to-morrow. I am much afraid that this vessel will prove to be a privateer. There is nothing in her construction or fittings to indicate it at the present time, but she was built as a passenger boat to run between Liverpool and Sligo, and her passenger accommodations are ample for officers and crew. She is a first-class vessel of her size, built very strongly, and, in my judgment, well adapted for a privateer. In a smooth sea she could easily mount the very guns she is taking out upon the carriages, and at once enter upon a cruise. I have no evidence against her; my men tell me she has shipped twenty-one seamen, six stewards, besides deck hands and firemen. This is many more than necessary for a vessel like this. Rumor also says some of the confederate officers from the Alabama and Georgia, now here, are to go out in her. I yesterday gave notice to Mr. Adams of the suspicious character of the vessel. This vessel, if possible, should be captured. Inclosure No. 3 is a description.

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I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wilding to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,
Liverpool, October 12, 1864.

SIR: Two of the officers who went down in the Laurel, Pont and Curtis, have returned.

The vessel was seen by a steam-tug on Sunday morning about 11 o'clock, passing Holyhead under full steam and sail.

It appears she took a pilot out and he has returned. He refuses to give any information as to who or what was aboard; but his manner indicated that our previous intelligence (as to persons, guns, &c.) was correct.

Nothing has transpired as to her real destination, beyond the newspaper paragraph inclosed, (No. 1,) to which I attach little credit.

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Very respectfully, I am, sir, your obedient servant,

H. S. WILDING,
Vice-Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

No. 363.] UNITED STATES CONSULATE,
Liverpool, October 12, 1864.

SIR: Referring to my dispatch No. 362, and the steamer Laurel, I have now to report that late on Saturday afternoon, the 8th instant, this steamer was cleared for Matamoras via Havana and Nassau, by Henry Lafore, in command of Captain J. F. Ramsey, an Englishman. She sailed on Sunday, the 9th instant. Captain Semmes, late of the Alabama, eight other confederate officers, and about one hundred men, forty or fifty of whom were on the pirate Alabama, and all Englishmen, went out in her. I have not been able to learn the names of all the officers, but among them are Lieutenant Armstrong, Mr. Howell, Engineer O'Brien, Armsteen, and Miner, all from the Alabama, and Lieutenant Evans, from the pirate Georgia, and an officer by the name of Lee. There are six stewards; among them Emery, an Englishman, living at Liverpool, Captain Semmes's personal steward on the Alabama, and who was with him during the whole of her cruise. The number of men stated as constituting her crew in the bill of entry is forty. This is a large number, and more than necessary to navigate a vessel of her size. The rest, it is said, go in the character of passengers.

She has six guns in cases stowed in her hold, all 68-pounders, with gun-carriages to mount them. There are many other cases, some of which may also contain guns, but more probably ammunition.

The officers and men embarked on the steamer on Sunday in small boats from Birkenhead. I understand that all the officers met Captain Semmes at Fraser, Trenholm & Co.'s office in Liverpool, on Saturday, and then and there received their orders to be on the steamer the next day. The officers and men did not know, or at least pretended not to know where they were going, or the name of the vessel they are to serve on board, but state there is one somewhere ready for them, and that the armament and men are to be transferred to her. I do not know whether this is so, but am of the opinion that it is true. My reason for thinking there is another vessel is, because they do not require six guns of the size of these on such a vessel as the Laurel; indeed it is doubtful if they could carry six 68-pounders mounted on a vessel like this of only about 300 tons burden. There is not the least doubt but what this is a piratical expedition, either on this or some other vessel.

The pilot who took the vessel out from Liverpool has returned, but refuses to give us any information; says he will not communicate anything unless compelled.

I did not get the full particulars until Monday evening. I immediately telegraphed them to Mr. Adams, Mr. Dayton, at Paris, Mr. Sanford, at Brussels, and Mr. Harvey, at Lisbon. I did not know then where our two naval vessels were, or should have sent them word at once. Yesterday I came up to London and learned their destination. In the absence of Mr. Adams I took the responsibility, and immediately telegraphed to the commanders, through our consular agent at Dover, to capture the Laurel if possible. I also addressed a circular letter to all our ministers in Europe, and all our consuls at seaport towns, giving them a description of the Laurel, &c., of which the inclosure No. 1 is a copy. I hope my proceedings meet your approval.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Moran to Mr. F. W. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
London, October 14, 1864.

SIR: * * * * * *

The other case is the departure of Captain Semmes from Liverpool on another piratical expedition. Mr. Dudley will, no doubt, give you a history of this proceeding so far as is known to us or him. It is not likely that the Laurel, the vessel Semmes left Liverpool in, will be used as a pirate. He has, in all probability, another vessel somewhere which he is about to arm. As yet we know nothing of the course he has taken or of his real destination. It is rumored that the Yeddo, one of the vessels built in France for the rebels, and afterwards said to have been sold to Prussia, is to meet him somewhere in the Straits of Gibraltar, but of this I have no reliable information.

There is great activity among rebel shipping agents here. Seymour, who plead guilty in London, not long ago, to a charge of enlisting men for the rebels, is reported to be sending men on suspicious errands to Glasgow and Newcastle-on-Tyne. Mr. Morse is watching him. I also learn that Captains Bier, alias Henry, Bullock, and Collier, and Lafone, the rebel agent who purchased the Laurel, have lately been at Glasgow together.

I am, sir, very truly, your obedient servant,

BENJ. MORAN,
Secretary of Legation.

Hon. F. W. SEWARD,
Assistant Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 369.] UNITED STATES CONSULATE,
Liverpool, October 18, 1864.

SIR: About the 20th of September last past, the steamer Sea King, [Shenandoah,] built at Glasgow in 1863, was sold in London to Richard Wright of Liverpool. On the 7th instant he gave a power to Captain Corbett to sell her, at any time within six months, for any sum not less than £45,000 sterling. On the next day, the 8th instant, she cleared for Bombay, and sailed the same day with a large supply of coal and about fifty tons of metal, and a crew of forty-seven men. I was not informed of the sailing of this vessel until Sunday last, when I received a letter from Mr. Moran, secretary of legation, asking me who Richard Wright was. I immediately wrote him that he was the father-in-law of Charles Prioleau, of South Carolina, now residing in Liverpool, and the head man in the firm of Fraser, Trenholm & Co., the bankers and financial agents of the southern confederacy, and telegraphed him and our ministers at Paris and Lisbon, that there was no doubt but what the Sea King was the vessel the Laurel was to meet and transfer Captain Semmes, the confederate officers, men and armament. There is now no longer room to doubt. The secessionists and their aiders on 'Change here freely admit that this is so. The matter is also mentioned in one of the Glasgow papers of yesterday, and in the Journal of Commerce of this morning. * * *

I have to-day sent a circular letter to all our ministers in Europe, and to all our consuls in Europe, Africa, Western Islands, Bahamas and West Indies, at sea-port towns, informing them of the facts. I inclose you, marked No. 2, copies of this letter. I have written to London for a copy of the Sea King's register, and to Glasgow for more full and accurate description of her. I will forward them as soon as received. The guns are from Randolph & Elders, at Glasgow, and I am of the opinion are the same made for the steam frigate Pampero, built at Glasgow for the confederates. I shall endeavor to ascertain if this is so. I think there are six sixty-eight-pounder broadside guns, and two large pivot guns gone out in the Laurel, making eight in all, but am not quite certain about it.

Corbett, the man who took the Sea King out, is Captain G. H. Corbett, an Englishman; the same who commanded the steamer Douglas, afterwards the Margaret and Jesse. The crew of the Sea King, as well as that of the Laurel, I am told, are all British subjects, and many of them belong to the Royal Naval Reserve. There are some forty or fifty of the Alabama's men among them. You will see that this is another case of the fitting out of an English piratical craft in this country to make war against our government and to destroy our commerce, similar to that of the Japan, afterwards known as the pirate Georgia.

This Sea King is the same vessel that I saw at Glasgow on the occasion of one of my visits to that town last year. I regarded her then as a most likely steamer for the purposes of a privateer, and so reported to you at the time. If I mistake not, she will prove herself a dangerous and destructive craft to our commerce.

The two naval vessels of the United States in these waters are out after them. It is to be hoped they will overtake one, or both.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 377.] UNITED STATES CONSULATE,
Liverpool, November 4, 1864.

SIR: * * * * * You will doubtless observe that the owner of the Sea King and the Laurel, as well as the officers who took them out, are all English, and that the vessels cleared and sailed as English vessels, under the English flag, and with English crews.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Seward.

No. 385.] UNITED STATES CONSULATE,
Liverpool, November 12, 1864.

SIR: The steamer Calibar arrived here yesterday from Teneriffe. She brought some forty odd men back who sailed from London on the steamer

Sea King, [Shenandoah.] I have seen one of the men by the name of John Hercus, and we are now taking his statement, which will be forwarded to you. He tells me they went to the island of Madeira, and there signaled the steamer Laurel, which was lying in that port. The Laurel came out to them, and they both made for an island which was barren, but in sight of Madeira, where they came to anchor aside of each other, and at once commenced to transfer the guns, ammunition, &c., from the Laurel to the Sea King.

The Sea King had two small guns which she took out in her, and received six others, with gun carriages, from the Laurel. He was told they were sixty-eight and thirty-two-pounders. There were also many cases of shot, ammunition, &c., and a fire-proof with gold, transferred from the Laurel to the Sea King. The Sea King and Laurel both sailed and remained up to this time under the English flag. After everything was discharged from the Laurel to the Sea King, Captain Corbett called all the men who went out on the Sea King aft; told them he had sold the vessel to the confederates, and that she was to be henceforth a confederate vessel, and to go on the same business as the Alabama, but not to fight; and tried to prevail on them to enlist in her. Some did enlist. Some of the officers on the Sea King told him she was to be called the Shenandoah. Most of the men who went out on the Laurel joined the Sea King, but only four or five of those who went out in the Sea King remained; the rest had returned to England. The Laurel took all who would not join, and conveyed them to Teneriffe. She kept them all on board until she had coaled, when they were put on shore, and she immediately put out to sea. On their leaving, the Sea King hoisted the confederate flag. Hercus does not know Captain Semmes, but the man who is to command the Sea King came out on the Laurel. He was a tall man, and some of the men told him it was Captain Semmes. The Sea King left the island, where the transfer or shipment of the guns had been made, at the same time the Laurel left. The Sea King had the confederate flag flying at the time they left her. Captain Corbett left the Sea King, went to Teneriffe on the Laurel, and returned with the men to England on the Calibar, and reached Liverpool yesterday.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Moran to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
London, November 12, 1864.

MY DEAR SIR: * * * * * *

Mr. Adams being out of town I beg to say that a letter has just been received at this legation from Mr. Dabney, the United States consul at Teneriffe, the purport of which is as follows:

The English blockade runner Laurel, Ramsey master, arrived at that port on the night of the 21st of October, and landed forty-two men, said to have been picked up in their own boats near the Desertas, and to have belonged to the English steamer Sea King, which foundered at sea near that place.

On landing, Captain Corbett, late master of the Sea King, declared that he intended to maintain his crew at his own expense, and to pay their passage to England, and should require no assistance from the British consul. He accordingly placed them at an hotel, at double the ordinary expense for keeping seamen, and the money to defray the cost was advanced by the house of Bruce, Hamilton & Co., to whom it was said Corbett brought letters. He did not note a protest, which excited Mr. Dabney's suspicion. That gentleman at once set about trying to discover the truth, but failed to elicit anything from either her Majesty's consul or Captain Corbett's consignees. He then called on the *commandante de la marina*, stated his suspicions, and asked that officer to investigate the circumstances attending the alleged loss of the Sea King. He wrote an official letter which was answered at the expiration of two days. This letter was remarkable; the consul stated that the Sea King had not foundered, but had been sold at sea; that the transfer was there made to the purchasers, and the price paid down, and that that was why the captain paid all the expenses of the men.

Mr. Dabney being satisfied that the transfer had been made to the rebels, and that the ship would be armed in that vicinity, as the No. 290 had been, went to her Majesty's consul to see the register. This was shown to him reluctantly, and he was not permitted to copy it. He, however, carried off in his memory that she is about 1,070 tons, was built on the Clyde in 1863, is of two hundred horse-power, and was lately owned by William Wallace, banker, London. She is three-masted, square rigged round stern, and has a bust head and a poop. She cleared from London for Bombay.

The forty-two men were at Teneriffe still on the 29th October, (the date of Mr. Dabney's letter,) but were about to proceed to Liverpool in the steamer Calabar. This is Mr. Dabney's report. I have already communicated the facts to Messrs. Morse and Dudley, so as to be transmitted to the Niagara and Sacramento. The Sea King went from London on the 9th of October, and Mr. Morse has no doubt reported her to you. That she is now in the hands of Semmes I have no hesitation in believing. The Laurel took that pirate out from Liverpool clearly to meet her at sea, and provided her with arms; but I hope the Sacramento will catch both the Sea King and Semmes.

I am, my dear sir, your obedient servant,

BENJ'N MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 815.] LEGATION OF THE UNITED STATES,
London, November 18, 1864.

SIR: During my absence from town my secretary, Mr. Moran, received from Mr. Dabney information relating to the fitting out of the Sea King at Teneriffe, which he transmitted to you by the last steamer. Since then Mr. Dudley, the consul at Liverpool, has obtained depositions from two of the seamen of that vessel, who refused to enlist under Captain Semmes, and has furnished copies to me. I have concluded, in advance of the instructions which I shall doubtless receive, to send copies at once to Lord Russell with a brief note, merely re-enforcing the position

already taken in mine of the 10th instant; a copy of which also goes to you by this steamer.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For note of the 10th, referred to, see dispatch No. 814 of Mr. Adams to Mr. Seward, under subdivision "The Alabama," *ante.*]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 18, 1864.

MY LORD: I now have the honor to submit to your consideration a copy of a letter from the consul of the United States at Liverpool, T. H. Dudley, esq., covering the depositions of two seamen on board of the steamer Sea King, who have returned to that place. It will be seen from these that the statement which I had the honor to make to your lordship in my note of the 10th instant, on the subject of Captain Semmes, is sustained in every particular.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, November 16, 1864.

SIR: I have now to inform you that the English steamer Laurel, which sailed from this port, as was at the time supposed, on a piratical cruise against the United States, on the 9th of October last, with confederate officers and English seamen, (many of whom had belonged to the pirate Alabama,) and the English steamer Sea King, that sailed from London on the 8th of the same month, met at the island of Madeira on the 18th of October. The Sea King on her arrival signaled the Laurel to come out; the Laurel then steered for the island of Porto Santo, which is within sight of Madeira and some twenty-six miles distant, where she anchored within a quarter of a mile from the shore. The Sea King followed and also anchored within a quarter of a mile from the shore, when the Laurel came alongside, made fast, and immediately began to transfer the guns, six in number, gun-carriages, shot and shell, powder, &c., and the officers and men she brought from England, to the Sea King. Captain Corbett of the Sea King then called all the men aft, told them he had sold the vessel to the confederates, and that she was to become a confederate cruiser to burn and destroy merchantmen like the Alabama, and advised them all to join her. After great efforts, some of the crew of the Sea King and some of the crew of the Laurel, after having been supplied with liquor, and under its influ-

ence, were induced to enlist on her. The commander, dressed in a gray uniform, supposed to be Captain Semmes, was then introduced to the men by Captain Corbett. He told them that the Sea King was now the confederate steamer Shenandoah. The men who refused to enlist in the Shenandoah were taken on the Laurel and conveyed to Teneriffe, from where they, with Captain Corbett and his officers, were brought to this port on the 13th instant in the steamer Calabar. When they left the Sea King (now called the Shenandoah) she had the confederate flag flying, and had entered no doubt upon her cruise of burning and destruction. The men who refused to enlist on board were told when they reached Teneriffe that they must say they were destitute British seamen, and that their vessel was lost. Those who returned to this port were paid off on Saturday and yesterday at the Sailors' Home in Liverpool. Three months' extra wages were given to each man in addition to what was due him, the clerk of Mr. Wright, the owner of the vessel when she sailed, paying the money. The owner of the Sea King, Richard Wright, is a British subject and merchant, residing in Liverpool. He was in the vessel when she sailed, and accompanied her as far as Deal. Captain Peter S. Corbett and his officers, who took her out, were also British subjects. Henry Lafone, the owner of the Laurel, is also a British subject and merchant, residing in Liverpool. Captain Ramsey, who commanded the Laurel, is likewise a British subject. Both vessels, the Sea King and Laurel, are British, and were built on the Clyde and sailed under the English flag. The men from the Laurel and Sea King who enlisted are also British subjects. The armament, shot, shell, gunpowder, and everything down to the coal in the hold, are English—all the produce or manufacture of Great Britain. Even the bounty money paid for enlisting the men was English sovereigns; and the wages to be paid for the cruise is contracted for, and to be paid, in English coin—pounds, shillings, and pence. It seems to me that nothing is wanting to stamp this as an English transaction from beginning to end—and the vessel now called the Shenandoah is an English piratical craft, without regard to the colors she may display or show when in chase of a peaceful merchantman or whaler, or when she lights up the ocean with her fire. Captain Corbett and his officers and Richard Wright and Henry Lafone no doubt are now in Liverpool rejoicing over the successful exploit in setting afloat another vessel to destroy and burn peaceful ships belonging to the people of the United States. I inclose you copies of the affidavits of John Hercus and John Wilson, two of the crew of the Sea King, now in Liverpool, establishing the above facts.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Deposition of John Wilson.

John Wilson, a carpenter, residing in London, but a native of Scotland, being duly sworn, says:

I am a ship-carpenter, and in the month of September last, I and John Hercus were looking for a ship in London, and went on board the steamer Sea King, then lying in the East India dock, and spoke to the mate. He told me they wanted a carpenter. The captain was not on board at the time; he soon came; I stopped until he came. I then asked him if he

wanted a carpenter. He said yes, and asked me if I was married or single, and said he wanted all single men—that there would be no monthly money. This was Captain Corbett. We agreed upon wages at £6 6*s.* per month, and I went to work next day. I signed articles on the 5th of October, at Mr. Green's Sailors' Home, in London, for a voyage to Bombay; thence to any port or ports in the Indian Ocean or China Seas, Japan, Australian colonies, Pacific or Atlantic Oceans, and back to a port of discharge in the United Kingdom, voyage not to exceed two years. I received a note at the time I signed for one month's wages in advance. I got this note cashed by a man by name of Thompson. I think his name is James. He is a tool merchant. His place of business is St. George's street, East London. I missed the vessel when she sailed from London on the morning of the 8th of October. I went to Deal and there took a small boat from the shore, and with the cook, who was with me, went on board the Sea King the same day. When I got on board the Sea King I found her under the command of Peter S. Corbett, the captain who engaged me. Mr. Esemond was first officer. Mr. Wright, the owner of the vessel, was also on board at the time, but left soon after I reached the vessel. We then made steam and sail and went as fast as they would carry us until we got out of the channel. We then shortened sail, and put her under double-reefed topsail, and hoisted up the screw, and put the fires out in the furnaces, and made towards the island of Madeira under easy sail. We remained in this way for five days, until Monday morning, the 17th of October, when the fires were again lighted in the furnaces, the screw lowered, and vessel put under steam. That evening we were off Madeira. We beat on and off during the night; in the morning we went up off the town and signaled a small steamer lying at anchor with her steam up. I could see this at the time. She answered the signal and came immediately out to us, and proved to be the Laurel. She took the lead, and we followed her to the island of Porto Santo. The Laurel anchored within a quarter of a mile from the shore, in seventeen fathoms water. We came up to her. She immediately gave us the soundings, and told us to let go our anchor and she would draw up to us. We did so, and she came up alongside and made fast to us fore and aft. This was about two o'clock on Tuesday the 18th of October, 1864. We were then ordered by Captain Corbett to get tacking aloft and to prepare for hoisting in large cases from the steamer Laurel. I, with all hands, assisted in this. We then commenced taking in from the Laurel guns, gun-carriages, shot, shell, powder, clothing, goods, &c. We took in six guns, four 68-pounders and two 32-pounders, with carriages to mount them on the deck of the Sea King. There was a very large quantity of shot and shell, and some fifty or sixty barrels of gunpowder. There were also three or four small brass swivel guns, I should say three or four pounders, and a great many cases marked "glass, with care." I do not know what they contained. The last thing we took in was a safe, very heavy. Captain Corbett of the Sea King, and his officers, and Captain Ramsey of the steamer Laurel, superintended and assisted in the transfer of the armament from one vessel to the other. We continued working until two o'clock on Wednesday morning, when we were knocked off for two hours' rest. We went at it again, and continued until about ten o'clock, when we finished. During the whole of this time the Sea King remained at anchor within a quarter of a mile from the shore. The fires were kept up in the furnaces, and steam up on both vessels from the time we arrived at Porto Santo until we left. About one hour after we came to anchor, Esemond, the first officer of the Sea King, came to me and told me to have one of

the shackle pins started and ready to slip the cable at a moment's notice. I did so, and I had it all in readiness during the whole of the time we were there. The Sea King had two guns on board, mounted on her decks, when she left London; they were about 12-pounders. She had also a very large quantity of provisions, and about seven hundred tons of coal. After we had finished taking in the things from the Laurel, the mate came and called all hands aft, and said the captain wanted to see us. We all went and gathered round the cabin doors, and Captain Corbett came out and said, "Well, men, I have sold the ship to the confederates; she is to belong to their navy, to be a cruiser to burn and destroy merchant vessels, and whalers in particular; she is not to fight but merely to take prizes, and there will be a first-rate chance for any of you young men who will stop by the vessel, and I should advise you to do it." The general reply made by the men was that we did not want anything to do with her. The new captain then came out of the cabin and asked if we would not join. He was dressed in a gray uniform. Captain Corbett introduced the man when he came out as the American officer who was to have command of the ship, but did not mention his name; said he would pay the seamen £4 per month and £10 bounty. One of the engineers, one of the firemen, and two of the seamen consented to join, and took the money and signed the articles. The officer in uniform, when he came out to us, announced that the Sea King was now the Shenandoah, of the confederate navy. Liquor had been served among the men, during the time we were making the transfer, in profusion—some were under its influence. It was brought round twice after we got through, and offered to the men. They made great efforts to induce the men to join. They raised the wages to £7 and £15 bounty for able seamen. They offered me £16 a month and £15 bounty. I declined to accept it or to stop with them on any terms. A bucket of sovereigns was brought out on the deck to tempt the men to join. A portion of the crew of the Laurel joined. The person whom Captain Corbett introduced to us as the commander of the Shenandoah came out on the Laurel. There were a number of others who also came out on the Laurel—I should say about forty. We left them on board the Shenandoah. Some were acting as officers. One of them, pointing at the commander, who was standing on the deck, said he was Captain Semmes. The chief engineer of the Laurel, who came to Liverpool with us, also told me while we were coming home that it was Captain Semmes who had taken the command, and that they had taken him out with them in the Laurel. Captain Corbett came out of the cabin and told us he was off, and bid us follow him. We took our things and went on the Laurel with him. They were then unfastened. A bark at the time was running down the island. We steamed out and met her with the Laurel, leaving the Sea King where she was. The bark raised the English ensign. When we saw this, we took a sweep round her, and went back to the Sea King, or Shenandoah, and told her it was all right. We remained for about three hours after this, waiting for the dispatches from the Shenandoah. They were brought to us in the Laurel's boat about twenty minutes before we left; and after the bark had gone round the corner of the island the Shenandoah hoisted the confederate flag and the Laurel hoisted the English. These flags remained flying until the vessels got out of sight. She seemed to be going to the west when we last saw her, and we stood for Teneriffe. The steamer Laurel was in command during the time of Captain Ramsey. We arrived at Teneriffe on Friday, the 21st of October. We were not permitted to go on shore, or any

boats allowed alongside, until Saturday, and until after she had coaled. After she had coaled, got up her steam, and was ready to sail, we were permitted to land. Within an hour after we left her she was out of sight. The men were told before they left the Laurel that if any one asked us after we got on shore where we were from, that we must tell them that we were distressed British seamen, and had lost our ships. Some of the men made a complaint to the British consul at Teneriffe, but I did not do so. Captain Corbett paid my board at Teneriffe, and my passage home to Liverpool on the English steamer Colabar, which arrived here on Friday morning last, and did the same for the other men. The officers, including the captain, who went out in the Sea King, except one of the engineers, came to England with us. Captain Corbett offered to pay us two months' extra wages, and to pay our expenses back to England, before we left the Sea King. This was after we had refused to join. We declined to take this, and he then said he would bring us back to England, and what the law would allow us we would get. After we had arrived in Liverpool, the first mate told us they would settle with us the next day at eleven o'clock at the Sailors' Home in Liverpool. We went at the time, and one of Mr. Wright's clerks (the owner of the Sea King) was there, and with the first mate made out the accounts. They offered us all three months' extra wages if we would sign clear of the ship. Some took this at once. I refused at the time, but agreed this morning to receive it. They paid me £19 17*s.*, and I signed clear of the vessel. Mr. Wright's clerk paid me the money. The Sea King was under the English flag when she left London, and I remained until we left her and went on board the Laurel. The Laurel remained under the English flag all the time, or at least until she landed us at Teneriffe. Captain Corbett and Captain Ramsey are both British subjects. The officers who took out both the Sea King and Laurel were also all British subjects. The men who enlisted from the Sea King, and those who enlisted from the Laurel to serve on the Shenandoah, were also all British subjects.

JOHN WILSON.

Sworn and subscribed to before me this 14th day of November, 1864.

J. PEARSON,

A Commissioner to Administer and alter in Chancery in England.

Deposition of John Hercus.

John Hercus, residing at the Sailors' Home, in Liverpool, being sworn, says:

On or about the 25th of September last past, I and John Wilson, a ship's carpenter, were looking for a ship in London, and went on board the steamship Sea King, lying in the East India dock, and spoke to the chief mate. He pointed out the captain, whose name we were informed was Corbett, and we spoke to him about going in the ship. He asked us if we were single men, and said he wanted all single men if he could get them. He told me that the ship would be ready in ten days or a fortnight, and if I liked to wait he would give me the chance. He asked the carpenter if he could come to work at once, and he agreed to do so, and went to work next morning. On or about the 5th of October I went to the Sailors' Home, and there signed articles as able seaman, at £2 10*s.* a month—for a voyage to Bombay, thence to any port

or ports in the Indian Ocean or China seas, Japan, or Australian Colonies, Pacific or Atlantic Oceans, and back to a port in the United Kingdom—voyage not to exceed two years. I received a note for a month's advance, which I got cashed at Isabella Colder's, No. 6 Bird street, East London. On Friday, the 7th of October, I took my clothes on board, when we were told she was not going until Saturday morning, the 8th. On the next morning, Saturday, the 8th, about half-past three, I went on board; she was then at the dock-gates, ready to go into the river. Between five and six she got steam up, and steamed down the river under command of Captain Corbett, the same who engaged me on the 25th of September. On our way down the river we ran into a sloop and carried away her mast. We stopped off Deal, and the carpenter and cook came on board there; and a Mr. Wright, whom I recognized, having seen him before, and who I was told was the owner of the Sea King, went ashore. We then steamed down the channel, and the next day, or next but one, when we got clear of the land, the screw was hauled up, and we kept going under easy canvas until within a day's sail from Madeira. We then got steam up again, and steamed to Madeira, where we arrived on Monday afternoon, about the 17th of October. We went abreast, and then went back; dodged off until daylight next morning, when we went abreast of the port and signalized a small screw steamer lying in the port, and she answered. We then steered out seaward. The small steamer before mentioned immediately followed and came to us. We then made all sail and steam, the other vessel following, and went to a small island within sight of Madeira. There we anchored in seventeen fathoms water, and the other vessel, which proved to be the Laurel, of Glasgow, (which I saw marked on the boats,) came alongside. We, the crew of the Sea King, were then ordered to get ready purchase for lifting heavy weights, which we were told were guns from the Laurel. A man who came from the Laurel, and who was addressed as gunner, told me that some of the cases weighed three tons and a half, and contained 68 and 32-pounders, with a quantity of shot and shells; and there were a number of barrels, sixty or more, containing powder. We worked from about three o'clock that (Tuesday) afternoon until about two the next morning. We then rested about two hours, and were then set to work again, and worked till about ten in the (Wednesday) morning, transshipping the arms, cases of shot and shell, barrels of powder, a number of bales and cases of light goods. While transshipping the guns one of the cases caught the rail and caused the seam to open so that I could put my hand in, which I did, and felt the gun. I remarked to the gunner that it was a big gun, and he said, Yes, it was a 68-pounder. We were in a great hurry, and not particular in the way we handled the boxes; and in putting the shot and shell into the hold of the Sea King some of the boxes broke, and I saw the shot and shell. We were then called aft, and as we went an iron safe was hoisted from the Laurel, and I and a number of others were ordered to carry it aft into the cabin—which we did. It was as much as four of us could manage, and by the rattling sound we judged it contained money. The cases of guns, safe, &c., were got up on the deck of the Laurel by her men, then made fast to our purchases and swung aboard the Sea King. Captain Corbett was superintending the transfer and giving orders. A few minutes after we had got the safe into the cabin the chief officer, Mr. Osmond, called us all aft, and we went. Captain Corbett then came out and said: "Now, men, I have sold the ship to the confederates, and all you men who like to join, I'll give you two months' wages." We

asked him what she was going to do, and he said she was going to be a confederate cruiser, same as the Alabama, but she was not going to fight. He said, "As you are all young men, I advise you to join her, as you will make a fine thing of it." He said he would give us £4 a month and £10 bounty, and tried all he could to persuade us to join. I said I would not join, but four others said they would; one was a fireman, one an engineer, and two were ordinary seamen. They were under the influence of liquor, which had been supplied freely to all who would take it since we commenced taking in the guns. When they found us unwilling to go, the wages and bounty were increased, until we were offered seven pounds a month and sixteen pounds bounty, and, to sign the articles for six months, a bucket containing sovereigns was brought on deck and the officers took up handfulls to tempt the men on deck. The four who consented to go went into the cabin, and I afterwards saw one of them with twenty-eight sovereigns in his hand. Captain Corbett, about an hour afterwards, came to me and the others who refused to join, and said, "Now, men, follow me;" and we went with him on board the Laurel, and took our things. About forty persons came on board the Sea King from the Laurel, including seven or eight of the crew of the Laurel, the others being passengers. One of the men from the Laurel pointed out a man on the bridge of the Sea King, and said he was Captain Semmes. He was one of the passengers who came from the Laurel, and the officers who tried to induce us to go were also passengers from the Laurel. Some of the other passengers from the Laurel told me they were sailors, and had come to join. When we got on board the Laurel a bark hove in sight, and the Laurel cast off from the Sea King and steered towards her. The bark hoisted English colors, and the Laurel then went back towards the Sea King and made to her a signal, which I was told meant all right. The Sea King then hoisted the confederate flag and got under way, and we steered towards Teneriffe. We did not see the Sea King afterwards. Up to the time of the transfer of the guns, they, the Sea King and Laurel, were under the English flag, and hoisted it to each other on the way from Madeira to the island. When the American officers who came from the Laurel to the Sea King were trying to persuade us to go in her, they said, "You had better go in the Shenandoah," which the Sea King was to be called. They promised us the best of living, and said the best of provisions would be taken out of the prizes, and all that were then aboard which were not good would be thrown overboard. We were kept on board the Laurel at Teneriffe until she had coaled and was ready for sea. The mate came to us and said that Captain Corbett had sent him to say that we were to say, on shore, that we were distressed British seamen, and had been shipwrecked. Some of the men got too much liquor and were kicking up a row at the hotel, and the captain gave them in charge of the police, and they were put in jail. He told us the quieter we kept about the affair the better it would be for us. We said if he did not get us better living we should go to the English consul, and he said we might. We went to him, and he took our statements, and said he should send it to the Board of Trade in Liverpool. The Calabar, mail steamer, was then expected, and when she arrived Captain Corbett told us we were to go home in her as passengers, and we came in her, along with Captain Corbett, and the mate, and the second mate of the Sea King. The mate told us last night we should be paid off to-day at the Sailors' Home. I went to the pay office this morning and received an account of wages from the shipping-master, signed W. W. Tucker. Some of the men took

their pay, and were paid three months' extra. Both Captain Corbett and the men who engaged in the Sea King, as stated, were Englishmen. I believe Captain Corbett lives in Liverpool.

JOHN HERCUS.

Sworn before me, at Liverpool, this 12th day of November, 1864.

T. G. RAFFLES,
Police Magistrate.

Mr. Seward to Mr. Adams.

No. 1171.] DEPARTMENT OF STATE,
Washington, December 3, 1864.

SIR: Information has reached this department from William H. Dabney, esq., the consul of the United States at Teneriffe, to the effect that the British steamer Laurel, reported to have sailed from Liverpool with the pirate Semmes and one hundred picked men, met by appointment the English steamer Sea King (which left London on the 7th of October last for Bombay) at the Desertas of Madeira, and there transferred to the Sea King Semmes and crew, armament, munitions, and stores, and received from the Sea King Captain Corbett and crew, who brought her to the Desertas, and who, on the 22d of the same month, were landed at Teneriffe for passage home.

Thus it would seem that the notorious commander of the Alabama has again obtained command of a British-built vessel, which has been supplied by another British vessel with men, arms, and munitions, carried out from a British port, and is now at large on the high seas for the purpose of committing depredations upon the commerce of the United States.

I will thank you to bring the case under the attention of Earl Russell, protesting against any such arrangement as that above indicated, and informing his lordship that, if it is correctly stated, this government considers that her Majesty's government may be held justly responsible for any losses accruing to citizens of the United States through the depredations of the Sea King.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1178.] DEPARTMENT OF STATE,
Washington, December 5, 1864.

SIR: I have to acknowledge the receipt of your dispatch of the 18th ultimo, No. 815, in relation to the fitting out of the Sea King, and transmitting a copy of your note of the 18th of that month to Earl Russell upon the subject, and its bearing upon the intervention of the Deerhound.

I am happy to observe that you have well anticipated and executed my instructions on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Communicated by the British Legation.]

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *December* 8, 1864.

MY LORD: I transmit herewith, for your information, a copy of a dispatch from her Majesty's consul at Teneriffe, stating the circumstances under which the steamship Sea King has come into the possession of officers of the Confederate States.

I have at the same time to acquaint you that her Majesty's government took immediate steps, on the arrival in England of the men referred to in Mr. Consul Graham's dispatch, who had formed part of the crew of the Sea King, to make an investigation into the circumstances of the case, and that under the advice of the law officers of the Crown her Majesty's government have given directions that Captain Corbett shall be prosecuted for violation of the foreign enlistment act.

I am, with great truth and regard, my lord, your lordship's most obedient, humble servant,

RUSSELL.

Right Hon. LORD LYONS, *&c.*, *&c.*, *&c.*

Mr. Grattan to Earl Russell.

BRITISH CONSULATE,
Teneriffe, October 30, 1864.

MY LORD: I have the honor to inform you that the British steam vessel Laurel, of the port of ———, bound from Liverpool to Nassau, arrived here on the 21st instant for the purpose of coaling.

The master, J. F. Ramsey, on presenting himself at this office, stated that he wished to land sixty-three passengers, who were to proceed to England by the next Liverpool steamer, and that these persons were the master and crew of the British steamer Sea King, of London, which vessel had been wrecked off the Desertas. The Laurel continued her voyage on the 23d instant. The master, *on getting up steam*, and not before, landed the above-mentioned seamen.

The master of the Sea King, P. S. Corbett, did not call at this office, as is usual in such cases, either for the purpose of making a protest, or to claim assistance. Therefore, on the 25th instant I sent to desire his attendance, and demanded the certificate of registry of his vessel, in pursuance of instructions contained in No. 19 paragraph of the Board of Trade Instructions. On handing me this certificate, he informed me that his vessel had not been wrecked, but that she had been sold in London, and delivered to her owners on the high seas, and that himself and his crew had landed here for the purpose of returning to England as passengers in the west-coast-of-Africa mail steamer, due at this port on the 30th instant.

The discrepance between the statement of the two masters led me to seek for further information respecting this matter, and the substance of the declaration I have obtained from George Welby, Edwin Everall, John Ellison, (R. M. V. 18, 556,) and John Hercus, all seamen belonging to the crew of the steam vessel Sea King, is as follows:

The Laurel sailed from Liverpool, bound to Nassau, with twenty-six supposed officers and sixty-two seamen besides her own crew, sixty-five

to sixty shells, about five tons of gunpowder, and various other munitions of war. She proceeded to Madeira, where she took about three hundred tons of coal. The Sea King sailed from London on the 7th instant, and also proceeded to the offing of Funchal Roads.

Both vessels then steamed to a place off the Desertas, where the sea was smooth, and the officers and men, arms, and munitions of war were transferred from the Laurel to the Sea King on the 20th instant. The cases of arms were at once opened, and the seamen armed themselves with cutlasses and revolvers. One of the officers then took command of the vessel in the name of the government of the so-called Confederate States of America. Some of the crew of the Laurel joined the Sea King. The remainder of her intended crew are to be sent out from England.

The sixty-two seamen now here, in charge of the former master of the Sea King, awaiting a passage to England, refused to join the confederate vessel, though as much as £17 per man was offered to them as bounty.

In consequence of having become aware that a serious offense against British law had been committed on board a British ship, I have thought it my duty to take the depositions upon oath of four of the seamen of the Sea King, which I have the honor to forward to the Board of Trade, according to instructions.

These depositions, in my opinion, contain evidence sufficient to substantiate a charge against the master, P. S. Corbett, of an infringement of the "foreign enlistment act." I therefore, pursuant to paragraph 127 of the consular instructions, deem it proper to send the offender in safe control to England, in order that cognizance of the offense may be taken.

I am satisfied that the sixty-two seamen now here are about to proceed to England by the west-coast-of-Africa mail steamer, which leaves this port for England on this day.

I have, &c.,

HENRY J. GRATTAN, *Consul.*

Mr. Adams to Mr. Seward.

No. 841.] LEGATION OF THE UNITED STATES.
London, December 22, 1864.

SIR: The Sea King has at last turned up as the Shenandoah. I transmit herewith a copy of a letter received this morning from Mr. Adamson, consul at Pernambuco, from which it would appear that the steamer has reached Bahia, after having committed some depredations. I likewise send the copy of the Pernambuco journal, referred to in the consul's letter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adamson to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Pernambuco, November 30, 1864.

SIR: I have this moment learned of the appearance in these waters of a new British pirate, and believing that your excellency will feel an

interest in the history of her proceedings, I send by this mail a marked copy of the Diario de Pernambuco containing an extract from the Journal de Bahia, which was received here last night, which gives all the information that I have been able to gather up to this time.

I have the honor to be, sir, your most obedient, humble servant,

THOMAS ADAMSON, JR.,
United States Consul.

His Excellency CHARLES FRANCIS ADAMS,
Envoy Ex., &c., &c., U. S. of A., London, England.

[From the Diario de Pernambuco, November 30, 1864.]

The North American brigantine Kate Prince, which arrived yesterday (23d) from Cardiff, with a cargo of coal, landed fourteen persons, two ladies and a servant girl among them, who were put on board of her by the confederate steamer Shenandoah. They belonged to the captured vessels Charter Oak, from Boston to San Francisco, and Susan, from Cardiff for Rio Grande.

We obtained the following particulars from the captain of the Kate Prince:

"The brig Kate Prince, of Portsmouth, New Hampshire, 995 tons, Captain Libbey, left Cardiff the 30th of September. On the 6th October, latitude 33° N., longitude 21° W., she fell in with the Dutch bark Zee Nymph, nine days from Amsterdam, for Batavia; on the 28th, latitude 14° N., longitude 27° W., fell in with the Dutch bark Maria, twenty-one days from Amsterdam, for Japan; on the 12th November, at midnight, latitude 2.30° N., longitude 28.30° W., met a large steamer under sail, one hundred yards to windward, which fired a gun and hoisted the confederate flag. She asked the name of our vessel, and as soon as we had answered, ordered us to lay to, and then sent a boat of armed men to board us. They informed us we were a prize of the confederate steam privateer Shenandoah, and ordered our captain and mate to come on board the steamer with the papers of the Kate Prince, leaving a prize officer on board the brigantine.

"The confederate commander finding a document certifying the vessel's neutrality, made the captain give bonds in $40,000, and then let the Kate Prince go, first sending on board Captain Gillman and lady; Mrs. S. Gage and son of four years; First Mate L. Burgess; Second Mate C. Bearse; Steward F. Cozias; J. M. Sampson, J. Munroe, and J. Ennis; all belonging to the schooner Charter Oak, of San Francisco, captured and destroyed the 5th of November, in latitude 7° N., longitude 27.3° W.; and also Captain F. W. Hansen; H. Payne, first mate; C. Henshell, second mate; and S. W. Dunn, steward; all belonging to the brig Susan, of New York, captured and destroyed the 10th November, in latitude 4.30° N., longitude 26.40° W.; in all fourteen persons.

"The Shenandoah is a vessel of 1,100 tons and 250 horse-power, with four 8-inch smooth-bore guns, two 32-pound rifles, and two 12-pounders, also smooth. She was the *Sea King*, belonging to the London, Bombay, and Calcutta Steam Navigation Company; built by Stevens and Sons, Glasgow, in 1863; steams eleven miles an hour; carries forty-three men and two officers, most of them English; cleared from London for Bombay in September, 1863.

"She also captured the bark Helena, Captain Staples, of Maine, and

the bark Godfrey, the crews of which were put on board a Danish brig bound for Rio Janeiro.

"Captain Wardell and the other officers of the Shenandoah treated us with all possible civility, under the circumstances."

Mr. Wilding to Mr. Seward.

[Extract.]

No. 409.] UNITED STATES CONSULATE,
Liverpool, December 30, 1864.

SIR: * * * * * *

To-day I have been told by a person on whom I can rely, who had it himself from a late seaman of the Florida, that the men from the Florida have been ordered to rendezvous at Calais immediately, to join a privateer somewhere, he thinks the Shenandoah, late Sea King. From what he hears, the Shenandoah will be found in the neighborhood of Bermuda, and the men will go to that place and be put on board by some of the blockade runners. He says the Shenandoah has only forty-three men on board now, all told, of whom not more than ten are sailors; that he himself (the seaman) declined going to join her on that account.

* * * * * *

I have the honor to be, sir, your obedient servant,

H. S. WILDING,
Vice-Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wilding to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,
No. 411.] *Liverpool, December* 31, 1864.

SIR: On the application of the home secretary a warrant was issued yesterday, by the magistrate of Bow street, London, for the apprehension of Captain Corbett, of the Sea King; and an officer arrived here this morning in search of him, but he has not yet been found, although he was seen in Liverpool yesterday.

If his trial is to result, as the others did, in the imposition of an insignificant fine, I don't see much good to be gained by it.

* * * * * * *

I have the honor to be, sir, your obedient servant,

H. S. WILDING,
Vice-Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extract.]

No. 850.] LEGATION OF THE UNITED STATES,
London, January 5, 1865.

SIR: * * * * * *

I find by a notice in this morning's papers that Captain Corbett, the

person who took charge of the Sea King on her voyage out, has been at last traced out and arrested by order of the government for a violation of the enlistment law. This incident, of which his lordship's reply to my note of the 18th of November last on the subject held out no promise, is another favorable symptom of the *animus* of the government.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 19, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing copies of a letter from the United States consul at Liverpool, and the depositions of two men who lately formed part of the crew of the steamer Sea King.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 1250.] DEPARTMENT OF STATE,
Washington, January 27, 1865.

SIR: Referring to my dispatch of the 3d ultimo, No. 1171, in regard to the piratical vessel Sea King or Shenandoah, and to subsequent correspondence on the subject, I now transmit a copy of a dispatch of the 29th of November last, from James Monroe, esq., the consul of the United States at Rio de Janeiro, containing a statement in relation to the destruction of four United States merchant vessels, with their cargoes, namely, the bark Alma, the schooner Charter Oak, of Boston, the bark D. Godfrey, from the same port, and the brig Susan, of New York, and to the bonding of the ship Kate Prince. It appears, from the information presented with Mr. Monroe's dispatch, that, with the exception of the name of the commander, the representation contained in my No. 1171 is corroborated.

Under these circumstances I have to request you to inform her Majesty's government that the United States will claim redress for the injuries and losses inflicted on their citizens by the depredations of the Sea King or Shenandoah.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For inclosure see dispatch No. 927 of Mr. Adams to Mr. Seward, dated April 13, 1865, *post.*]

Mr. Seward to Mr. Adams.

No. 1271.] DEPARTMENT OF STATE,
Washington, February 16, 1865.

SIR: Our consul at Nassau on the 21st ultimo reported to this department that the steamship Confederate States, or Laurel, the vessel which brought out the guns and crew for the insurgent pirate Sea King to Madeira, started from Nassau on the 18th ultimo, cleared for Liverpool *via* Madeira; that she had no cargo on board but coal, with which she was heavily laden; that she had several passengers, all of them of the insurgent class. The consul notified the custom-house authorities that she was loading under suspicious circumstances, and they asserted, and agreed that prior to her sailing she should be thoroughly searched. He went to see her manifest, but was told that it was up at the governor's. It was at first decided to start a British war ship after her, on the day on which she left, but it was abandoned upon the plea that she had no coal on board, and had not speed sufficient to overtake her if she should attempt it; but it was said by the officials at Nassau that if she reached Liverpool she would undoubtedly be seized for her former acts.

It is stated that she changed her register at Charleston from an English to a pretended confederate one, and is reported to belong to the insurgent authorities. Notwithstanding this state of facts, she carried out from Nassau a ship mail to Liverpool, made up at the post office of the first-named port, as is admitted in the correspondence, a copy of which is inclosed, viz: a letter from Mr. Kirkpatrick to Mr. Dillet, the postmaster at Nassau, and his reply, both of the 19th January last.

In view of these circumstances, I must request you to remonstrate with her Majesty's government against the receipt and clearance with mails of the Laurel, now called Confederate States, and demand her detention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For inclosures see dispatch No. 869 of Mr. Adams to Mr. Seward, March 16, 1865, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 879.] LEGATION OF THE UNITED STATES,
London, February 16, 1865.

SIR: I have the honor to transmit copies of correspondence held with Lord Russell on the subject of outfits of vessels for account of the rebels.

* * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1865.

SIR: With reference to the case of the Shenandoah I have the honor to inform you that, having ascertained the names of the brokers by whom that vessel had been sold, I caused them to be asked whether they had any objection to state the circumstances under which she was sold, and particularly whether she was sold to an agent of the so-called Confederate States.

I have been informed by the brokers, in reply, that the Shenandoah, then the Sea King, was sold by them to a British subject at Liverpool, in the usual way, and that the bill of sale, &c., passed through her Majesty's customs in due order. The brokers further state that after the sale of the vessel they had nothing whatever to do with her, and that she remained in dock for some weeks, being entered out for Bombay.

The brokers add that they are not aware, nor have they any knowledge, that any confederate agent had anything to do with the ship during her stay in this country.

I have the honor to be, sir, with the highest consideration, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 880.] LEGATION OF THE UNITED STATES,
London, February 17, 1865.

SIR: Owing to the delay in the arrival of the Canada, I only, late yesterday, received from the department the dispatches numbered from 1247 to 1255, inclusive.

With respect to the directions contained in No. 1250, of the 27th of January, to present the claims for damages done by the Shenandoah, I am in some doubt what it is best to do. In view of the events narrated in my dispatch No. 879, which goes out with this, it might be thought here as not well timed to renew complaints before the effect of the remedy now first to be applied could be seen. Inasmuch as no harm can be done to the claims by postponing action, I think I shall wait until you shall have had an opportunity to survey the whole field.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1280.] DEPARTMENT OF STATE,
Washington, February 28, 1865.

SIR: Your attention is invited to the accompanying extract from a dispatch of the 11th instant, No. 437, from Mr. Dudley, our consul at Liverpool, respecting the English steamer the City of Richmond, which is alleged to have carried out and transferred to the pirate Stonewall its

armament, supplies, and crew, and also to the movements of the steamer Laurel, *alias* the Confederate States.

It is presumed that you have already brought the subject to the attention of her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Dudley to Mr. Seward.

No. 437.] UNITED STATES CONSULATE,
Liverpool, February 11, 1865.

SIR: I sent you, on Thursday last, a telegram by way of Queenstown, to be forwarded by the steamer which left here on Wednesday, that the report we had about the rebels having one of the iron-clads built at Bordeaux was true. I understand she is now in one of the Spanish ports—has gone there for repairs. The fact that they have her, and that she is partially armed and manned, there is no doubt about. She was met by the English steamer City of Richmond off the coast of France, and her armament, which was made here in England, transferred to her with supplies for a cruise, and an English crew. My information is that she is now called the Stonewall. Fearing that she might attempt to run into some of the northern seaport towns and lay them in ashes—possibly obtain entrance by practicing some deception, as flying the English flag, the same as has been frequently done by these piratical vessels—I have addressed a letter to Mr. Draper, the collector at New York, and requesting him to inform the other collectors of her being loose, and to put them on their guard.

The English steamer Laurel, the same that took out from here the armament and men for the pirate Sea King, returned to this port on Thursday last. She came in ballast from Nassau, in command of Captain Ramsey, an Englishman, the same man who took her out, and is consigned to Fraser, Trenholm & Co. They now call her the Confederate States, of Charleston, and pretend that she has been transferred to the so-called confederate government. She flies the confederate flag.

The schooner Catharine Ann cleared from here on the 9th instant for Nassau, in command of T. Evans. She is 163 tons burden, and was cleared by I. Glynn & Sons. Her cargo consists of three hundred bags of saltpeter, some rifles, and army clothing and blankets intended for the rebels.

The English bark Walkington, of 356 tons burden, commanded by R. Waugh, was entered to load for Nassau on the 31st of January, by Prichard & Co. She has taken in already 337 cases of long Enfield rifles, containing 20 in each case, making 6,740, (the cases are marked C. H.—O. B.,) and 800 bags of saltpeter. She will also take in 130 tons of lead and a quantity of machinery, all intended for the confederates.

I understand the English merchants here intend to keep up their communications with the South, and send them supplies by way of Matamoras, Galveston, and Florida, and that they are making extensive arrangements to carry it on by way of these places, especially by way of Matamoras.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1297.] DEPARTMENT OF STATE,
Washington, March 13,1865.

SIR: Your dispatch of the 17th of February, No. 880, has been received.

Upon a review of the reasons you assigned, we are content with your delay of presenting a representation in regard to the Shenandoah, in compliance with my instructions, No. 1250. We feel obliged, also, to rest with some patience while awaiting the development of the proceeding instituted by Earl Russell, in his letter to John Slidell and the other rebel emissaries. Nevertheless, the account which Consul Morse gives us by every mail of reckless activity of rebel agents in Liverpool and Europe, taken together with the incident of the attempt made from Liverpool to supply and re-enforce the Stoerkodder, *alias* Olinde, *alias* Stonewall, at Ferrol, and the entire passiveness of Sir John F. Crampton at Madrid, in the latter case, seem to render it indispensable that we leave her Majesty's government no reason to suppose that we acquiesce in what is virtually an illegal naval war, waged against us from the British shores. I think, therefore, that the representation in the case of the Shenandoah ought not to be longer postponed. But you may make it in a manner as friendly as shall be compatible with a just sense of the injuries which we are suffering from the policy of her Majesty's government.

* * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 896.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: In connection with your dispatch No. 1271, of the 16th of February, I have the honor to transmit copies of notes which have passed between myself and Lord Russell on the subject of the steamer Laurel, *alias* the Confederate States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 7, 1865.

MY LORD: I am pained to be obliged once more to call your attention to the proceedings of the vessel called the steamer Laurel.

This is the vessel concerning which I had the honor to make a rep-

resentation, in a note dated the 10th November last, which appears to have proved, in substance, correct.

Her departure from Liverpool on the 9th October, laden with men and arms destined to be placed on board of the steamer Sea King, her meeting with that vessel at Porto Santo, in the Madeira Islands, her subsequent transfer of her freight to that steamer, which thereupon assumed the name of the Shenandoah, and proceeded to capture and destroy vessels belonging to the people of the United States, are all facts now established by incontestable evidence.

It now appears that this steamer Laurel, having accomplished her object under British colors, instead of immediately returning to this kingdom, made her way through the blockade to the port of Charleston, where she changed her register and her name, and assumed to be a so-called confederate vessel. In this shape she next made her appearance at the port of Nassau as the Confederate States. From that place she cleared, not long since, to go *via* Madeira to the same port of Liverpool from whence she had originally started.

It further appears that, notwithstanding the assumption of this new character, this vessel carried out from Nassau a ship mail, made up at the post office of that port, and transported the same to Liverpool. I have the honor to transmit a copy of a letter from the postmaster of that place establishing that fact.

Under these circumstances, I have the honor to inform your lordship that I am instructed by my government to remonstrate against the receipt and clearance with mails of this vessel from Nassau, and to request that such measures may be adopted in regard to her as may prevent her from thus abusing the neutrality of her Majesty's territory, for the purpose of facilitating the operations of the enemies of the United States.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Kirkpatrick to Mr. Dillet.

DEAR SIR: Will you please inform me whether any mail was made up for Liverpool or other places, and forwarded by the steamer Confederate States, which vessel left this port yesterday, and oblige, yours truly,

THOMAS KIRKPATRICK.

STEPHEN DILLET, Esq.,
Postmaster, Nassau, N. P.

Mr. Dillet to Mr. Kirkpatrick.

DEAR SIR: A ship mail was dispatched yesterday for Liverpool by the steamer Confederate States.

Yours, truly,

STEPHEN DILLET.

THOMAS KIRKPATRICK.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 10, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which, with reference to the case of the steamer Confederate States, late Laurel, you inform me that you are instructed to remonstrate against the receipt and clearance with mails of that vessel from Nassau, and to request that such measures may be adopted in regard to her as may prevent her from thus abusing the neutrality of her Majesty's territory, for the purpose of facilitating the operations of the enemies of the United States.

I have the honor to state to you, in reply, that the arrival of that vessel at Nassau, and her departure for Liverpool via Madeira, had already been reported to her Majesty's government by the governor of the Bahamas, who stated that, in consequence of a suspicion entertained at Nassau that she was about to proceed to Green Cay for the purpose of taking in the guns and stores supposed to have been left there for the Mary, he had arranged with the captain of her Majesty's ship Fawn, which had just arrived from Jamaica, that that vessel should proceed by the earliest tide, and as soon as she was coaled, in pursuit of the Confederate States. Before, however, the Fawn could be dispatched, it was ascertained, by inquiry at the signal station, that the Confederate States had not taken the channel leading to Green Cay, and the receiver general was informed by the United States consul that her destination was a small bay on the southern coast of Long Island.

Considering this uncertainty as to her destination, the distance of Long Island, the time lost in starting, the difference of speed between the two vessels, and the inconvenience of detaching the Fawn from the service upon which she was specially engaged, although Captain Talbot and General Ashmon, who were on board of the Fawn, were ready to submit to this, if it had been necessary, the government agreed with Captain Talbot that it was useless for him to go in pursuit. And the governor adds, that it has since been stated that the destination of the Confederate States was really England.

I have merely to add that the matter in regard to this vessel to which you have now called my attention shall be inquired into.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 900.] LEGATION OF THE UNITED STATES,
London, March 17, 1865.

SIR: I have received a letter from William Blanchard, esq., consul of the United States at Melbourne, giving an account of the arrival at that place of the steamer now called the Shenandoah, and lately the Sea King. It is not unlikely that she may next turn up in the Pacific, if she can hold together long enough.

Of all the experiments of the rebels to uphold their cause, I know of none which seems to have been more expensive and more unsatisfactory than the attempt to organize a navy. It may have gratified a spite, but the indulgence of ill-temper never of itself established a nation. Could

that alone have done so, the confederates would long since have been recognized everywhere.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For Mr. Blanchard's letter above referred to see inclosure with dispatch No. 1074 of Mr. Adams to Mr. Seward, October 27, 1865, *post.*]

Mr. Seward to Mr. Adams.

No. 1322.] DEPARTMENT OF STATE,
Washington, March 25, 1865.

SIR: We learn from our consul at Liverpool that the pirate Shenandoah having departed on some day unknown from Capetown, in Africa, destroyed eleven unarmed United States merchant vessels on the high seas, and was then received at Melbourne, in Australia.

Doubtlessly the consul has given you the same information. I trust that you have called the attention of Earl Russell to this new aggression of British subjects upon our national rights, which involves nothing less than the issuing of the pirate from one port in the British realm, her entertainment in a provincial British port on her way to the intended scene of her operations, and her reception at another British colonial port after having committed them.

Recent communications between this government and that of her Majesty on the general subject of piratical enterprises carried on from British ports have exhausted the argument of the United States upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1338.] DEPARTMENT OF STATE,
Washington, April 5, 1865.

SIR: I transmit with this communication a copy of the following papers, namely: a note from this department of the 14th of January last, relative to the movements of the steamer Sea King or Shenandoah, one of the 14th of February, relative to those of the steamer Ajax, both addressed to the British minister, and one of the 1st instant from J. Hume Burnley, esq., inclosing in his reply a copy of a dispatch of the 14th of last month, addressed to him by the lieutenant governor of Bermuda.

This correspondence is sent to you as a new illustration of the error of referring us to laws that are unavailing for protection. In that sense you will make such use of it as may in your judgment best promote the adoption by the proper authorities of measures which will remedy this evil.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, January 14, 1865.

SIR: I have the honor to state, for the information of the proper authorities of her Majesty's government, that a reliable representation has been made to this department to the effect that the men of the late piratical steamer Florida, who went to Europe after the seizure of that vessel, have been ordered to rendezvous at Calais immediately, to join the pirate Shenandoah, lately called the Sea King; that the Shenandoah will be found in the neighborhood of Bermuda; that the men will go to that place, and be put on board by a blockade-runner; and that the Shenandoah has only forty-three men on board, of whom not more than ten are sailors.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., *&c., &c., &c.*

Mr. Burnley to Mr. Seward.

WASHINGTON, *January* 17, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, and to inform you, in reply, that copies of it shall be forwarded to her Majesty's government and to the lieutenant governor of Bermuda.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

[For note of February 14, see Enforcement of Neutrality, subdivision Ajax and Hercules, Vol. II, p. 173.]

Mr. Burnley to Mr. Seward.

WASHINGTON, *April* 1, 1865.

SIR: With reference to your note of the 14th of January, and to my reply of the 17th of January, relative to the movements of the Sea King, or Shenandoah, and also to your note of the 14th of February, relative to the movements of the Ajax, a copy of which latter note I communicated to the lieutenant governor of Bermuda, I have the honor to transmit to you a copy of a dispatch which I have received from his excellency.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

F. O. ADAMS,
For Mr. BURNLEY.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Hawley to Mr. Burnley.

BERMUDA, *March* 14, 1865.

SIR: I have the honor to acknowledge the receipt of dispatches from you dated the 17th of January, 1865, and the 16th of February, 1865, both with inclosures from the State Department at Washington, and both warning me of suspected intentions on the part of the Confederate States to use British ports for belligerent purposes.

In reply, I can only state that every vigilance will be used to prevent or punish a breach of the law should it be attempted or take place. Without convincing evidence it is of course impossible to set the law in action, and the government of the United States must be aware that the information furnished me, through you, even if it could be substantiated here, is not of such a character as would justify legal interference.

I have, &c.,

W. G. HAWLEY.

J. H. BURNLEY, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 924.] LEGATION OF THE UNITED STATES,
London, April 12, 1865.

SIR: Referring to my dispatch No. 896, of the 16th of March, I have the honor to transmit a copy of a note from Lord Russell, of the 6th instant, in reply to mine of the 7th of last month, based upon the instructions contained in your dispatch No. 1271, of the 16th of February.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 6, 1865.

SIR: With reference to my letter of the 10th ultimo, I have now the honor to inform you that her Majesty's government are advised that although the proceedings of the steamer Confederate States, formerly Laurel, may have rendered her liable to capture on the high seas by the cruisers of the United States, she has not, so far as is known, committed any offense punishable by British law, and that there was nothing contrary to the law of nations in placing a mail-bag on board of her for conveyance to Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 927.] LEGATION OF THE UNITED STATES,
London, April 13, 1865.

SIR: I have the honor to transmit a copy of the note addressed by me to Lord Russell on the 7th instant, reference to which was made by me in my dispatch No. 917, of last week, as not then ready to be sent.

Lord Russell has acknowledged the reception of this note, but has delayed a reply, for the reason assigned in my No. 922, which goes to you herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Dispatch No. 917 is printed under the head of "Demand for Revocation of Rebel Belligerency," Vol. I, p. 285; and dispatch No. 922 will be found under "Enforcement of Neutrality," "General Subject," Vol. I, p. 641.]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 7, 1865.

MY LORD: I have the honor to transmit to you a copy of a letter addressed to the Secretary of State at Washington, by the consul of the United States at Rio Janeiro, Mr. Monroe, making a report of the depredations committed upon the commerce of the United States by the vessel known in the port of London as the Sea King, but since transformed into the Shenandoah by a process already fully explained in a note which I had the honor to address to your lordship on the 18th November last.

I regret to be obliged to add that this same vessel has been, since the date of Mr. Monroe's letter, heard of at Melbourne, from which place further details of similar outrages have been received. The particulars have been communicated to my government, but there has not yet been sufficient time for me to obtain its instructions in regard to them. I cannot doubt, however, that they will be the same in substance as those embraced in the last dispatch.

Were there any reasons to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented, I should not be under the painful necessity of announcing to your lordship the fact that my government cannot avoid entailing upon the government of Great Britain the responsibility for this damage. It is impossible to be insensible to the injury that may yet be impending from the part which the British steamer City of Richmond has had in being suffered to transport with impunity from the port of London men and supplies, to place them on board of the French-built steam ram Olinde, *alias* Stoerkodder, *alias* Stonewall, which has through a continuously fraudulent process succeeded in deluding several governments of Europe, and in escaping from this hemisphere on its errand of mischief in the other.

I am by no means insensible to the efforts which have already been made, and are yet making, by her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the government which I represent.

Whilst perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been

my painful duty heretofore to submit have been met and attended to by your lordship, it is, at the same time, impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent has not only not been checked, but is even now going into execution with more and more complete success.

That policy, I trust I need not point out to your lordship, is substantially the destruction of the whole mercantile navigation belonging to the people of the United States. The nature of the process by which this is coming about may readily be appreciated by a brief examination of the returns of the registered tonnage of her Majesty's kingdom for the last six years. I have the honor to append to this note a tabular statement of the number of merchant ships built, and of the tonnage owned in the United States, which have been transferred to British owners in the successive years beginning with 1858 and ending in 1864, so far as the materials at hand from the official reports of the two governments can supply the information.

I trust that it will be needless for me to do more than to point out to your lordship the inference deducible from this statement, to wit: That the United States commerce is rapidly vanishing from the face of the ocean, and that that of Great Britain is multiplying in nearly the same ratio. Furthermore, it is my painful duty to suggest that this process is going on by reason of the action of British subjects, in co-operation with emissaries of the insurgents, who have supplied from the ports of her Majesty's kingdom all the materials, such as vessels, armament, supplies, and men, indispensable to the effective prosecution of this result on the ocean. So far as I am aware, not a single vessel has been engaged in these depredations excepting such as have been so furnished; unless, indeed, I might except one or two passenger steamers belonging to persons in New York, forcibly taken possession of whilst at Charleston in the beginning of the war, feebly armed and very quickly rendered useless for any aggressive purpose. It may then, on the face of this evidence, be fairly assumed as true that Great Britain, as a national power, is in point of fact fast acquiring the entire maritime commerce of the United States by reason of the acts of a portion of her Majesty's subjects engaged in carrying on war against them on the ocean during a time of peace between the two countries. I deeply regret to be constrained to add that every well-meant effort of her Majesty's government to put a stop to this extraordinary state of things down to this time has proved almost entirely fruitless.

I would most respectfully invite your lordship to produce in the history of the world a parallel case to this of endurance by one nation of injury done to it by another, without bringing on the gravest of complications. That in this case no such event has followed, has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States; but, on the contrary, that it has steadily endeavored to discountenance and, in a measure, to check the injurious and malevolent operations of many of her subjects. But whilst anxious to do full justice to the amicable intentions of her Majesty's ministers, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for the rectification of these wrongs, it is impossible to resist the conviction that heretofore the measures, however well intended, have never proved effective to remedy the evil complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this

evil had its origin in the first step taken, which never can be regarded by my government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labor of the subjects of the very country which gave it the shelter of that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued, has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts and the ports and harbors of the very power that furnished the elements of its existence in the outset. In other words, the kingdom of Great Britain cannot but be regarded by the government I have the honor to represent as not only having given birth to this naval belligerent, but also as having nursed and maintained it to the present hour.

In view of all these circumstances I am instructed, whilst insisting on the protest heretofore solemnly entered against that proceeding, further respectfully to represent to your lordship that, in the opinion of my government, the grounds on which her Majesty's government have rested their defense against the responsibility incurred in the manner hereinbefore stated, for the evils that have followed, however strong they might have heretofore been considered, have now failed by a practical reduction of all the ports heretofore temporarily held by the insurgents. Hence the President looks with confidence to her Majesty's government for an early and an effectual removal of all existing causes of complaint on this score whereby the foreign commerce of the United States may be again placed in a situation to enjoy the rights to which it is entitled on the ocean in peace and safety, free from annoyance from the injurious acts of any of her Majesty's subjects, perpetrated under the semblance of belligerent rights.

I am further instructed to invite the attention of your lordship to another subject in this immediate connection. From the beginning of this war the armed vessels of her Majesty have continued to enjoy full and free pratique in the waters of the United States. They have been welcomed in just the same friendly manner as has been heretofore customary when there was no exclusion of the same class of ships of the United States from the waters of Great Britain. It is the opinion of the President that the time has come when it may be asked, not only with strict right, but also with entire comity, when the reciprocity of these hospitalities is to be restored. It is the expectation that the naval force of the United States in European waters will be augmented on or about the beginning of next month, when this question may become one of some interest. I am therefore directed to solicit information from your lordship as to the reception which these vessels may expect in the ports of this kingdom.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Monroe to Mr. Seward.

No. 29.] CONSULATE OF THE UNITED STATES,
Rio de Janeiro, November 29, 1864.

SIR: I am pained to be compelled to report to the department that a new piratical steamer called the Shenandoah, commanded by James W. Waddell, is engaged in destroying our merchant vessels near the equator, on the highway of communication between the United States and the ports of South America. The facts presented below were obtained in part from protests recorded at this office by the masters of the Alina and the D. Godfroy, and in part from statements published in the Brazilian newspapers, and believed to be reliable.

The bark Alina, Staples master, of 573 tons burden, sailed from Newport, England, on the 6th October, with a cargo of railroad iron, bound for Buenos Ayres. Having reached latitude 16° 40′ north and longitude 26° 45′ west, she was captured and sunk on the 29th October by the Shenandoah. The schooner Charter Oak, from Boston, bound for San Francisco, was captured and destroyed by the same pirate on the 5th of November, in latitude 7° north, longitude 27° 3′ west.

On the 7th November, the bark D. Godfroy, Hallett master, from Boston, of 300 tons burden, bound for Valparaiso with general cargo, was captured and burnt by the Shenandoah in latitude 6° 25′ north, and longitude 27° 15′ west. On the 10th of November, in latitude 4° 30′ north, and longitude 26° 40′ west, the brig Susan, of New York, bound from Cardiff to Rio Grande, was also destroyed by the same steamer.

On the 12th November the Shenandoah captured the ship Kate Prince, of 995 tons burden, Libbey master. The Kate Prince belongs in Portsmouth, New Hampshire, and was on her passage from Cardiff to Bahia with a cargo of coal. She was captured in latitude 2° 30′ north and longitude 28° 30 west, and having been compelled to give bonds in the sum of 40,000 dollars was allowed to continue her voyage. These five vessels were all American. The officers and crews were at first transferred to the Shenandoah; afterwards, as opportunity offered, a part were sent to Bahia on the Kate Prince, a part to this port on the Danish brig Anna Jans, from New York, and the rest, so far as heard from, had been retained on the Shenandoah; of these last, some by threats and promises had been induced to engage in the piratical service.

In another instance a vessel not under our flag narrowly escaped destruction. The Argentine bark Adelaide, Williams master, bound from Baltimore to this city, was boarded by officers of the Shenandoah on the 12th November in latitude 1° 46′ and longitude 29° west. The Adelaide was consigned to Phipps, Brothers & Co., of this city. It was at first decided to burn her, and straw and tar had been brought for this object; this purpose, however, was finally abandoned, and the pirates, after having opened letters, destroyed furniture, and committed other outrages, retired on board the Shenandoah, carrying a part of the provisions of the bark with them. Captain Williams states that the commander of the Shenandoah declared he would hereafter burn all cargoes belonging to American owners, by whatever flag they might be covered.

The following statement in regard to the Shenandoah is made by shipmasters who have been prisoners on board of her:

"The Shenandoah is a steamship of 1,100 tons burden and 250 horsepower. She carries a battery of four sixty-eight-pounders and two twelve-pounders, all smooth bore, and two thirty-two pounders, rifled.

"She was formerly called the Sea King, and belonged to the Steam Company trading between London and Bombay and Calcutta. She was built by Stevens & Sons of Glasgow, in 1863, and makes eleven miles an hour. She has forty-three men, nearly all English, besides the officers. She cleared from London for Bombay in September of this year."

On the 27th instant the Anna Jans brought into this port the following officers and seamen of the Alina and D. Godfroy, who, being in a very destitute condition, applied to this consulate for assistance:

From the Alina—Everett Staples, master; J. F. Peterson, first officer; M. H. Staples, second officer; G. A. Stinson, seaman.

From the D. Godfroy—Samuel W. Hallett, master; R. L. Taylor, first officer; Charles F. Brown, second officer; Joseph James, seaman.

I offered assistance to the officers simply as seamen, in accordance with section 211 of my instructions.

As this despatch will be retained until the sailing of the English packet on the 9th of December, it will be supplemented by any further information which I may obtain in regard to the movements of the Shenandoah.

I have the honor to be, with great respect, your obedient servant,

JAMES MONROE,
United States Consul.

P. S., *December* 8.—I have no further information in regard to the Shenandoah. J. M.

Statement of American vessels sold to British subjects, from 1858 *to* 1864, *inclusive.*

BEFORE THE WAR.

Year.	U. S. OFFICIAL REPORT.		BRITISH OFFICIAL REPORT.	
	Number of vessels.	Tonnage.	Number of vessels.	Tonnage.
1858	33	12,684	.....	.....
1859	49	21,308	.....	.....
1860	41	13,683	Not given.	11,716
	123	47,675	.....	11,716

DURING THE WAR.

1861	126	71,673	Not given.	66,757
1862	135	64,578	... do....	59,103
1863	348	252,379	608	328,665
1864	106	92,052	.....	.....
	715	480,682	608	454,525

Mr. Adams to Mr. Hunter.

No. 952.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: I have received from Lord Russell a note in reply to mine of the 7th of April last, a copy of which was transmitted to the department with my No. 927, of the 13th of April. Inasmuch as his lordship gives an official response to the two points of inquiry which I was instructed to propose, I send forward a copy of his note at once for the consideration of the President. Now that there seems to be very little left of the elements even of a *de facto* government in the insurgent States, the question raised is likely soon to expire by its own limitation. I perceive that in the House of Commons a question is about to be addressed to the government this evening relative to this subject. Should any reply of interest be elicited, I shall take care to furnish you a report of it.

In the note of Lord Russell he has thought it proper to expand the field of discussion by references to former events in a manner which appears to leave me no alternative to a reply. I am, therefore, now engaged in drawing up such a paper. This will leave entirely aside the two questions, the action upon which is of course reserved for the exclusive judgment of the government, and will relate only to the historical matter which has been brought into play. It will be impossible to get it prepared to send this week.

I am in hopes I shall be able to get a copy to you by the steamer of the next.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Earl Russell to Mr Adams.

FOREIGN OFFICE, *May* 4, 1865.

SIR: I have had the honor to receive your note of the 7th of April, forwarding a copy of a letter addressed by the consul of the United States at Rio de Janeiro to his government, upon the proceedings of a vessel called the Sea King, or Shenandoah, which vessel you state has since been heard of at Melbourne, whence details have been received of outrages committed by her on the commerce of the United States. You then proceed to say, "Were there any reasons to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented," you would not have had to announce to me "the fact that your government cannot avoid entailing upon the government of Great Britain the responsibility for this damage."

A British steamer, the City of Richmond, is next alluded to as having been allowed to take supplies from the port of London, and to place them on board a French-built steam ram, known as the Stonewall, and you found, upon the circumstances to which you have thus alluded, a charge against Great Britain of not only not checking improper depredations on United States commerce, but of aiming at the destruction of the whole mercantile navigation belonging to the people of the United States; and while giving credit to her Majesty's government for endeav-

oring to check illicit proceedings of British subjects, you allege that the measures adopted in this respect by her Majesty's government have never proved effective, and that the evil of which you complain has its origin in the fact that her Majesty's government recognized the persons in arms against the United States as belligerents, and thereby improperly gave them a status which has led to a long continuance of hostilities; but as the ports held by them have fallen into the power of the United States, the President looked with confidence to a removal by her Majesty's government of this ground of complaint.

You conclude by expressing a hope that the ships of war of the United States will be welcomed in British waters in the same friendly manner as has been heretofore customary.

Allow me to observe, in the first place, that I can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. The question is not what losses the United States have sustained by the war, but whether in difficult and extraordinary circumstances the government of her Majesty have performed faithfully and honestly the duties which international law and their own municipal law imposed upon them.

Let me remind you that when the civil war in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to her Majesty's subjects. Great Britain had previously carried on a large commerce with the southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people.

Had there been no war the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States? He proclaimed on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals with the southern States upon one ground only, namely, that the southern States were carrying on war against the government of the United States; in other words, that they were belligerents.

Her Majesty's government, on hearing of these events, had only two courses to pursue, namely, that of acknowledging the blockade, and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade, and insisting upon the rights of her Majesty's subjects to trade with the ports of the South.

Her Majesty's government pursued the former course as at once the most just and most friendly to the United States.

It is obvious, indeed, that the course of treating the vessels of the southern States as piratical vessels, and their crews as pirates, would have been to renounce the character of neutrals, and to take part in the war. Nay, it would have been doing more than the United States themselves, who have never treated the prisoners they have made, either by land or sea, as rebels and pirates, but as prisoners of war, to be detained until regularly exchanged.

So much as to the step which you say your government can never regard "as otherwise than precipitate" of acknowledging the southern States as belligerents.

It was, on the contrary, your own government which, in assuming the belligerent right of blockade, recognized the southern States as belligerents. Had they not been belligerents, the armed ships of the United

States would have had no right to stop a single British ship upon the high seas.

The next complaint (often repeated, I must admit) is that vessels built in British ports, and afterwards equipped with an armament sent from the British coast, have injured, and, according to your account, almost destroyed, the mercantile marine of the United States.

Now, the only question that can be put on this subject is, whether Great Britain has performed faithfully the duties incumbent upon her. I must here ask you to recollect that our foreign enlistment act, as well as your foreign enlistment act, requires proof that the vessel has been or is about to be equipped or armed within our dominions for the purpose of assisting a state or a body of men making war on a state in amity with her Majesty. In the case of the Alabama, which is always referred to as affording the strongest ground of complaint against her Majesty's government, the papers affording evidence of a design to equip the ship for the confederate service were furnished to me by you on the 22d, and more completely on the 24th of July, 1862. They were reported upon by the law officers on the 29th of that month. But on that very morning the Alabama was taken to sea on the false pretense of a trial trip.

I contend that in that case, as in all others, her Majesty's government faithfully performed their obligations as neutrals. It must be recollected that the foreign enlistment act, though passed in the year 1819, had never been actually put in force, and that it is still doubtful whether the evidence furnished by you on the 22d and 24th of July, though it was deemed a sufficient ground for detaining the Alabama, would have been found sufficient to procure a conviction from a jury, or even a charge in favor of condemnation of the vessel from a judge. Again, I repeat, the whole question resolves itself into this, whether the British government faithfully and conscientiously performed their duties as neutrals, or whether they, from any motives whatever, were guilty of a grave neglect of those duties.

Upon this point it might be sufficient for me to appeal to the unprejudiced judgment formed and expressed at the time by Mr. Seward, after every material fact had been communicated to him by your dispatches of the 25th and 31st of July and the 1st of August, 1862.* Writing to yourself on the 13th of August, 1862,† he expressed the President's approval of the action which you had taken with respect to the Oreto and the Alabama, (then called No. 290;) and added, "You will on proper occasion make known to Earl Russell the satisfaction which the President has derived from the just and friendly proceedings and language of the British government in regard to these subjects."

In maintaining this view of our duties, I have the satisfaction of thinking that her Majesty's government are supported by some of the highest authorities of the United States. In 1815 a correspondence began between the ministers representing Spain and Portugal and the United States government respecting the practice of fitting out privateers in the ports of the United States, and putting them under a foreign flag, and cruising against Spanish commerce. In January, 1817, Señor Onis, Spanish minister at Washington, says:

"It is notorious that although the speculative system of fitting out

* Mr. Adams's dispatch to Mr. Seward, No. 201, August 1, 1862, printed under "Rebel Cruisers," subdivision "The Florida," Vol. II, p. 608. Mr. Adams's dispatches Nos. 196 and 199, dated, respectively, July 25 and July 31, 1862, printed under subdivision "The Alabama," in this volume, pp. 15 and 35.

† Mr. Seward's dispatch to Mr. Adams, No. 323, August 13, 1862, printed under "Enforcement of Neutrality," "General Subject," Vol. I, p. 541.

privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially in those of New Orleans and Baltimore where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed; whole squadrons of pirates having been [sent] out from thence in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses, either by the reclamations I have made, those of his Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose."

It does not appear that any compensation was ever made for any of these seizures.

But the remonstrances of Portugal are still more applicable.

On the 8th of March, 1818, Senhor T. Correa de Serra brought to the knowledge of the United States government the case of three Portuguese ships which had been captured by privateers fitted out in the United States, manned by American crews, and commanded by American captains, though under insurgent colors, and he demanded satisfaction and indemnification for the injury which had been done to Portuguese subjects, as well as for the insult which had been offered to the Portuguese flag. To this letter the American Secretary of State, after reciting the complaint of the Portuguese minister, replies as follows:

"The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by capture over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible." The Secretary of State who signed this dispatch bore a name most honorably known in the annals of the United States, the name of Adams.

The remaining events to be noticed in the history of the answer given by the United States to the complaints of Portugal during the wars of South America, and by Great Britain to the United States in the present war, may be recorded without any fear of comparison on the part of the government of her Majesty.

On the 20th April, 1818, the amended act known as the "American Foreign Enlistment Act" was passed.

On the 24th of November of that year, the Portuguese minister being asked by Mr. Adams to "furnish a list of the names of the persons chargeable with a violation of the laws of the United States, in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of his sovereign, and of the witnesses by whose testimony the charge could be substantiated," replied to the following effect:

He had found with sorrow multiplied proofs that many of the armed ships which had committed depredations on the property of Portuguese subjects were owned by citizens of the United States, had been fitted in ports of the Union, and had entered in several ports of the Union, captured ships and cargoes by unlawful means. Many of these citizens of the United States had the misfortune of believing that they did a meritorious action in supporting foreign insurrections, and offered great difficulties in the way of every prosecution instituted by a foreign minister. Prosecutions were ordered by the government of the United

States, but did not appear to have had much effect in checking the depredations complained of.

In March, 1819, the Portuguese minister alleges that in contrast to the Spanish insurgents who had ports and a long line of coast at their disposal, Artigas, the chief whose flag was borne by United States privateers, was wandering with his followers in the inland mountains of Corrientes. The "Artigan flag," he continues, "which has not a foot length of sea-shore in South America where it can show itself, is freely and frequently waving in the port of Baltimore; Artigan cockades were frequently met with in that city in the hats of American citizens unworthy of that name."

In another note, dated the 23d of November, 1819, the Portuguese minister says: "I do justice to and am grateful for the proceedings of the Executive in order to put a stop to these depredations, but the evil is rather increasing. I can present to you, if required, a list of fifty Portuguese ships almost all richly laden, some of them East Indiamen, which have been taken by these people during the period of full peace. This is not the whole loss we have sustained, this list comprehending only those captures of which I have received official complaints. The victims have been many more, besides violations of territory by landing and plundering ashore with shocking circumstances.

"One city alone on this coast," he says, "has armed twenty-six ships which prey on our vitals, and a week ago three armed ships of this nature were in that port waiting for a favorable occasion of sailing for a cruise."

In July, 1820, the Portuguese minister proposed that the United States should appoint commissioners to confer and agree with commissioners of the Queen of Portugal in what reason and justice might demand.

But Mr. Adams again says that for wrongs committed in the United States territory, Portuguese subjects have a remedy in the courts of justice, but "for any acts of the citizens of the United States committed out of their jurisdiction and beyond their control, the government of the United States is not responsible."

To this most just principle, which was again referred to by Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the United States must be held still to adhere. No matter how many rich Portuguese ships were taken; no matter even what flag was borne by the vessels which took them, for these acts of the citizens of the United States acting as the captains, officers, and crews of those cruisers, the United States government declared itself not responsible. Nor was that government induced to depart from that ground by the urgent representations of the Portuguese minister in his letter to Mr. Webster of the 7th of November, 1850, that "by due diligence on the part of the government and the officers of the United States, the evil might have been prevented," and that "the fitting out of these vessels was not checked by all the means in the power of the government, but that there was a neglect of the necessary means of suppressing these expeditions." With regard to Spain the case was somewhat different, as the United States had many outstanding claims against the government of Spain; and, on the other hand, the claims of Spain were rested upon the interpretation placed by her on her treaty with the United States. The claims of the United States were used as a set-off against the claims of Spain, on account of the depredations committed by the United States cruisers commanded by United States captains, and in respect of other matters; and both orders of claims were renounced and

abandoned by a treaty between Spain and the United States, concluded on the 22d of February, 1819.

Before I refer to the conduct of Great Britain during the present civil war, I must for a moment allude to an address of President Monroe in regard to the South American insurrections: "The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement." Such is the statement of President Monroe in his special message of the 8th of March, 1822. It must be acknowledged that in this country the gallantry of the people of the southern States, in their endeavors to give to those States an independent position in the world, excited a large amount of sympathy. It must be acknowledged also that the desire of large profits from the sale of cargoes induced many of the Queen's subjects to engage in blockade-running. But, on the other hand, it must be said that no British subject appears to have commanded a confederate cruiser, while United States citizens seem frequently to have acted as captains of the privateers which, under the flag of Buenos Ayres, or some other South American state, committed depredations on Spanish and Portuguese commerce. Nor was the vigilance of her Majesty's government at fault when, as in the case of the steam rams built at Birkenhead for a confederate agent, they were fully convinced that vessels of war were being constructed for purposes hostile to the United States. Indeed, so decided and so effective was the action of the government in detaining the vessels called the El Tousson and El Monassir, that it appears by the published parliamentary reports that a member of Parliament charged the government with having done, and with having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. Unfounded as that charge was, yet, coming as it appears from high authority, it is obvious that nothing but the intimate conviction that those vessels were intended for confederate vessels of war, that unless detained they would attempt to break the blockade of the United States squadrons, and that such an act might have produced the gravest complications, could have sustained the government under the weight of charges thus urged.

Let us compare this case, in which her Majesty's government detained and seized the ships, with that of the Shenandoah to which you refer, in which they did not interfere.

The Shenandoah was formerly the Sea King, a merchant or passage steamship belonging to a mercantile company. She was sold to a merchant, and soon afterwards cleared for China as a merchant ship; not a tittle of evidence was ever brought before her Majesty's government by you or any one else to show that she was intended for the service of the confederates. Had it been alleged even that her decks were stronger than usual, apparently for the purpose of carrying guns, it might have been plausibly answered that the China seas abounded with pirates, and that guns were necessary in order to drive them off.

But it is said that guns and men were sent to meet a confederate vessel at sea. So far as guns are concerned, this is not an offense against our laws; nor am I aware of any authority of international law according to which the British government could be bound to prevent it. So far as men are concerned they could not be interfered with without evidence of an intention or engagement to serve as confederate seamen, and no such evidence was ever offered to her Majesty's government. What if these guns and men were sent in a vessel which cleared for Bombay? Would it have been right for her Majesty's government, without evidence, to seize such a vessel? Would not proceedings thus unauthor-

ized by law or by any legal grounds of suspicion have been loudly and universally condemned? It is true that arms were sent out to the Olinde, a French vessel, and that the Sea King having changed its character at sea, appeared afterwards as a confederate ship of war. But in the words of Mr. Adams, in 1818, "For such events no nation can in principle, nor does in practice, hold itself responsible." With regard to the export of arms sent by individuals in this country to vessels on the high seas, it must not be forgotten that the government and courts of the United States have always upheld the legality of this traffic. On the subject of certain memorials of British subjects sent to the Secretary of State of the United States during the revolutionary war, Mr. Jefferson says: "We have answered that our citizens have always been free to make, send, or export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries with which we have no concern, would hardly be expected. It would be hard in principle and impossible in practice."

This, be it recollected, was not the opinion of Mr. Jefferson alone; he wrote by the direction of General (then President) Washington.

With respect to the alleged destruction of the mercantile navigation of the United States, it must be noted that it has been common to transfer American merchant ships, without change of cargo or of crew, nominally to British owners in order to avoid the higher rates of insurance payable during war. With peace the mercantile marine of the United States will, I have no doubt, be at least as numerous as before.

I am happy to see that you declare yourself by no means insensible to the efforts which her Majesty's government have made, and are still making, to put a stop to such outrages in this kingdom and its dependencies, and that you cannot permit yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States; nay, further, you state that the avoidance of the gravest of complications "has been owing in the main to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent operations of many of her subjects." The question then really comes to this: Is her Majesty's government to assume or be liable to a responsibility for conduct which her Majesty's government did all in their power to prevent and to punish; a responsibility which Mr. Adams, on the part of the United States government in the case of Portugal, positively, firmly, and justly declined?

Have you considered to what this responsibility would amount?

Great Britain would become thereby answerable for every ship that may have left a British port and have been found afterwards used by the confederates as a ship of war; nay, more, for every cannon and every musket used by the confederates on board any ship of war if manufactured in a British workshop.

I now come to that part of your letter which relates to the future.

The late successes of the United States armies give us every reason to hope for a speedy termination of the war. In such case the restrictions which have been imposed upon the vessels of the United States as belligerents will of course cease. In such case, also, it is to be presumed the cruisers and privateers of the confederates will be at once sold and converted into merchant vessels. But the present state of affairs does not allow me to speak with certainty upon this point.

The questions remain, however, first, whether the United States ves-

sels of war will be now allowed to come into the harbors of her Majesty's dominions without other restrictions than those usual in times of peace; and another question closely connected with it, namely, whether the confederates are still to be treated as belligerents.

My answers are the following:

In regard to the first question, her Majesty's government are quite willing that vessels of war of the United States shall be treated in the ports of her Majesty in the same manner as her Majesty's vessels of war are treated in the ports of the United States, with this single exception, that if an enemy's vessel of war should come into the same port, the vessel which shall first leave the port shall not be pursued by its enemy till twenty-four hours shall have elapsed.

Before answering the second question, I wish to know whether the United States are prepared to put an end to the belligerent rights of search and capture of British vessels on the high seas? Upon the answer to this question depends the course which her Majesty's government will pursue.

All that I can do further is to assure you that her Majesty's government, who have lamented so sincerely the continuance of this painful and destructive contest, will hail with the utmost pleasure its termination, and will view with joy the restoration of peace and prosperity in a country whose well-being and happiness must always be a source of satisfaction to the sovereign and people of these realms.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For the reply of Mr. Adams to the above see inclosure to Mr. Adams's dispatch to Mr. Hunter, No. 964, May 25, 1865, printed under the division "Negotiations Concerning Claims," *post.*]

Mr. Seward to Mr. Adams.

No. 1484.] DEPARTMENT OF STATE,
Washington, July 25, 1865.

SIR: I transmit a copy of a telegram of the 21st instant, addressed by James Gamble, esq., of San Francisco, to the Acting Assistant Secretary of War, in regard to the destruction by the pirate Shenandoah, in the sea of Okhotsk, of ten whaling vessels belonging to citizens of the United States.

Referring to the various communications which have passed between us upon this subject, I need not reiterate what you so well understand, that in view of the origin, equipment, and manning of the Shenandoah, or Sea King, this government claims that we justly look to Great Britain for indemnification to our citizens for all losses occasioned to them by the depredations of that vessel. You are, however, expected to exercise your discretion as to the expediency of any present additional representations to the British government on the subject, in advance of the memorials and documentary proofs which may be expected from the parties who have sustained these new losses.

Although the report communicated to you in my No. 1171, to the effect that it was the notorious Semmes who had taken command of the Shenandoah, was incorrect, the statement, in other respects, is believed to

have been substantially true, and to have been strongly corroborated by the accompaniments to my No. 1250, and by the declarations of Pratt and Green, transmitted to you with Mr. Hunter's communication of the 8th of May last, No. 1398.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For Mr. Hunter's dispatch to Mr. Adams, No. 1398, see "Enforcement of Neutrality," subdivision "Equipment of the Stonewall," Vol. II, p. 185.]

Mr. Gamble to Mr. Eckart.

OFFICE UNITED STATES MILITARY TELEGRAPH,
WAR DEPARTMENT.

The following telegram received at Washington, 9.20 a. m., July 21, 1865, from San Francisco, California, July 12, 1865:

Hon. THOS. T. ECKART,
Acting Assistant Secretary of War:

The whale ship Milo arrived this morning with crews of ten whaling vessels burned by the pirate Shenandoah in the Okhotsk Sea. The captain of one of the burned vessels states he showed the pirate captain San Francisco papers containing an account of the surrender of Lee and Johnston and death of President Lincoln. The captain of the Shenandoah said he would continue to destroy vessels until he was ordered to stop by Jeff. Davis.

JAMES GAMBLE,
Assistant Superintendent of Telegraph.

Mr. Adams to Mr. Seward.

No. 1023.] LEGATION OF THE UNITED STATES,
London, July 27, 1865.

SIR: In connection with the directions contained in your dispatch No. 1456, I have the honor to transmit copies of depositions furnished to me by Mr. Morse, the consul at this place, relating to the subject therein referred to.

I have decided to retain the originals, in view of the possibility that they may be of some use in the incidental supply of evidence to counsel in the litigation now going on.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For Mr. Hunter's dispatch to Mr. Adams, No. 1456, see "Enforcement of Neutrality," subdivision "Equipment of the Stonewall," Vol. I., p. 189.]

Depositions of John Ellison and John Allan.

We, John Ellison, of London, and John Allan, of Greenock, Scotland, do solemnly and sincerely swear, that we were shipped at Green's Sailors' House on the 5th of October last as able seamen, for the screw steam-

ship Sea King, of London, Corbett master, for a voyage to Bombay or any part of the Indian Ocean, China seas, or Japan, for a term not to exceed two years. We left the East India docks on the 8th of October, and when below Gravesend we ran into a smack. We went down channel under steam and sail, and when off Landsend the screw was lifted, and she was put under reefed canvas; it soon became whispered among the crew that the ship could not be intended for Bombay, as she was going under easy canvas with such a fine wind. Before reaching Madeira, the boatswain had orders if a steamer appeared in sight to let go everything fore-and-aft; this was said to appearer, Ellison. On the 18th of October we signaled steamers (two) in the Funchal Roads. One, which proved to be the Laurel, came out to us rolling very heavily. After signaling, both ships steamed and sailed to a little island about thirty-five miles distant from Madeira. The Laurel came to anchor, and the Sea King, after taking in her canvas, anchored also. In a short time the Laurel came alongside of us, and Captain Corbett ordered the crew to rig the purchases to the port main-yard, preventer-lifts, &c., to transfer stores, &c., from the Laurel into his ship, so as to lift the weight of three tons. The stores consisted of guns, shot, shell, powder, small-arms, and general stores. On the following morning we were all called aft, and Captain Corbett said he had sold the ship, and pointed to a gentleman standing by his side as the present captain. We were offered from ten to twenty pounds bounty, with fourteen pounds a month wages, and two months' advance, with more money to send home, if we would stop by as gunners' mates. We refused positively, and informed them that we belonged to the royal navy, and although pressed to stop, we still refused, stating we would not desert our flag to serve any other country. We were then put on board the Laurel and taken to Santa Cruz, Teneriffe, on the 20th of October. We were put on shore on the 22d of October, and were told by the chief mate and Captain Corbett, that if any question were asked about us, you must state that you are distressed seamen, and that your ship, Sea King, was lost at sea, and state the same to the British consul, if asked. We were taken to the Hotel de la Marina; but no accommodation being provided there, and after application to the captain could get no satisfaction, so we went to the British consul and took our oaths. The consul said, you are reported by the captain to me as distressed seamen. We afterwards went on board the Calabar, mail steamer, as deck passengers, and came to Liverpool. There was no communication between the two ships but by signals until after we had anchored at the island with the Laurel. When Captain Ramsay came on board of us in a boat, he said he would be alongside in half an hour with the stores and guns. No negotiations were made for the sale of the vessel until after the confederate flag was hoisted on board the Sea King, and we left the ship.

JOHN ELLISON,
Royal Naval Volunteers, No. 18356.

Sworn by the deponent, John Ellison, at my office, No. 37 Nicholas Lane, in the city of London, this 24th day of November, 1864, before me.

JOHN CASTLE GANT.

his
JOHN × ALLAN,
mark.
Royal Navy Volunteers, No. 950.

Witness to the mark of John Allan:
JOSHUA NUNN.

Sworn by the deponent, John Allan, at my office, No. 37 Nicholas lane, in the city of London, this 24th day of November, 1864; the witness to the mark of the deponent being first sworn, that he had truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

Depositions of John Jackson and others.

We, John Jackson, of Sheerness, Kent; William Joyce, of Stepney; John Webster, of Hertford; Alfred Hill, of Poplar, firemen, do truly and solemnly swear that we were shipped at Green's Sailors' Home on the 6th of October last, for the ship Sea King, (screw steamer,) for a voyage to Bombay, or any port in the Indian Ocean, China Seas, or Japan, for a term not exceeding two years; and I, Peter Tow, of Rotherdam, sail-maker, do likewise solemnly swear that I was shipped at Green's Sailors' Home on the 7th of October, for the said ship Sea King, and for the voyage stated above. We left the East India docks on the 8th of October, and when below Gravesend she ran into a smack; we went down the channel under steam and sale. When off Landsend the screw was lifted, and she went under reefed canvas. On the 18th of October a fore-and-aft steamer was signalled off the fort of Madeira; she came to us rolling very heavily; we then steamed with the Laurel (the steamer we had signalled) to Deserters' Island, about thirty-five miles distant, and took stores from her on board the Sea King, which consisted of guns, shot, shell, ammunition cases, &c. We were all called aft, and Corbett, the captain, told us he had sold the ship, and asked us to join her, as she was a confederate ship of war, and offered us from £10 to £18 bounty, with high wages and two months' advance, to remain by her; we all refused, not wishing to serve under the confederate flag, as we had signed articles for Bombay; we were then put on board the Laurel and taken to Teneriffe; we were told to say, if any questions were asked, that we were distressed seamen and had lost our ship, the Sea King, at sea; we were taken to a boarding-house, and in consequence of bad treatment went to the British consul, who sent us home in the mail steamer Calabar, for Liverpool. At the request of the agents, Captain Corbett coming with us and stating he was a prisoner, we arrived in Liverpool and received three months' extra wages.

JOHN his × mark. JACKSON.

WILLIAM his × mark. JOYCE.

Sworn to by the deponents, John Jackson and William Joyce, at my office, No. 37 Nicholas lane, in the city of London, this the 4th day of November, 1864; the witness to the marks of the deponents being first sworn, that he had truly and distincly and audibly read over the con-

tents of the above affidavit of the said deponents, and that he saw them make their marks respectively thereto, before me.

JOHN CASTLE GANT,
A London Commissioner, &c.

Witness to the marks of John Jackson and William Joyce:
JOSHUA NUNN.

JOHN WEBSTER.
ALFRED HILL.
PETER TOW.

Sworn by the deponents, John Webster, Alfred Hill, and Peter Tow, at my office, No. 37 Nicholas lane, in the city of London, the 24th day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

Depositions of William Smith and John Fisher.

We, William Smith and John Fisher, both of Great Britain, do solemnly and sincerely swear that we were engaged as able seamen for a ship lying in the East India docks, called the Sea King, on the 6th of October last past, by Captain Corbett, the captain of the ship, at the home called Green's Sailors' Home; we signed articles to go from here to Bombay, or any port in the Chinese seas or British colonies, for a term not exceeding two years. We sailed from here on the 8th of October, and were taken to Madeira; we signalled, off Landsend, to a steamship, bark-rigged; signals were exchanged, and we then lay off to Madeira; we then signalled again, as we thought, ashore, it being then very thick, but a steamer lying under the fort, fore-and-aft rigged, came out; her name was the Laurel; she steered her course, and we followed her to an island—no house on it; we then commenced taking into us the cargo the Laurel carried, viz: Shot, shell, grape, canister, powder, muskets, pistols, cutlasses, tomahawks, cannons, eight in number, large and two small gun-carriages for them, also a quantity of coals. When the Laurel's cargo was discharged, a number of officers and men then went on board the Sea King, and our mate then asked us all if we would join the Sea King; that she was a confederate ship of war, the captain having previously called the crew together and told them he had sold the ship; that she was now a confederate war ship, and that her name was the Shenandoah; "those men that do not wish to join the Shenandoah must come with me in the Laurel, and I will see you all righted." There were only four hands that went out in the Sea King remained in her. Captain Corbett and the remainder of the crew that signed articles in the Sea King in London went in the Laurel, and we were taken to Teneriffe; we were taken ashore two days after anchoring, and during those two days the Laurel filled up with coals and steamed away as soon as we landed. We remained in Teneriffe ten days, and came home in the Calabar, mail-boat; our expenses and a deck passage were paid; the captain of the Calabar sent on shore to say he could not accommodate us, but the English consul there said he must take us, and we were to manage the best way we could, and sent Captain Corbett on board a prisoner. We arrived at Liverpool last Friday morning; the captain then went ashore along with the captain and purser of the Calabar, and we did not

see anything more of him afterwards; but in a short time it was reported that the owners of the Sea King would visit us in about one hour and a half; they did not come; but the mate and steward, on Friday evening, came to us and said, "The owners say you can have three months' pay or let it alone, just as you please." At 11 o'clock on Saturday morning we went to the shipping office and there received our notes and discharges; we then came up to London.

WILLIAM SMITH.

Sworn by the deponent, William Smith, at my office, No. 37 Nicholas lane, in the city of London, this 15th day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

his
JOHN × FISHER.
mark.

Witness:
ROBERT WARNE.

Sworn by the deponent, John Fisher, at my office, No. 37 Nicholas lane, in the city of London, this the 15th day of November, 1864; the witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

Depositions of Michael Hurley and Robert Savage.

We, Michael Hurley, of Banden, County Cork, Ireland, coal trimmer, and Robert Savage, of Liverpool, England, able seaman, do solemnly and sincerely swear that we were engaged by Captain Corbett, of the Sea King, of London, at Green's Sailors' Home, on the 6th of October, for a voyage to Bombay, or any port in the Indian Ocean, China Seas, or Japan, for a term not exceeding two years, as stated in the accompanying affidavit of William Harris, marked A, and now produced and shown to us, and which has been read over to us, and we swear the same to be true and correct.

MICHAEL HURLEY.

Sworn by the deponent, Michael Hurley, at my office, No. 37 Nicholas lane, in the city of London, this the 23d day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

his
ROBERT × SAVAGE.
mark.

Witness:
ROBERT WARNE.

Sworn by the deponent, Robert Savage, at my office, No. 37 Nicholas lane, in the city of London, this the 23d day of November, 1864; the

witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above and accompanying affidavit of William Harris, and that he saw him make his mark thereto, before me.

JNO. CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

This is the affidavit, marked A, referred to in the affidavit of Michael Hurley and Robert Savage, sworn before me this 23d day of November, 1863.

JOHN CASTLE GANT,
A London Commissioner, &c.

A.

Deposition of William Harris.

I, William Harris, of Plymouth, England, do solemnly and sincerely swear that I was engaged by Captain Corbett, of the Sea King, on the 5th October last, as able seaman for the Sea King, at Green's Sailors' Home, and signed articles for Bombay, or any port in the Indian Ocean, China seas, or Japan, for a term not exceeding two years. The Sea King sailed from here on the 8th October, and when below Gravesend we ran into a smack; the supercargo and the crew wished to stop, but the captain cried out, "Stop for nothing." This supercargo, I was given to understand, was a relation of Captain Semmes, late of the Alabama. We went down the channel at the rate of twenty-two knots per hour under steam and canvas, but when off Landsend we took up the screw and went under reefed canvas, as the captain did not wish to get to Madeira until a certain time. The crew then began to murmur; some said they were sure the ship was going privateering, and others that she was going to run the blockade. At the 19th, at 4 o'clock in the morning, we made Madeira, and signaled off the fort; the Laurel (steamer fore-and-aft rigged) came out to us, rolling very heavily; we then noticed a number of men in her, and a number of gentlemen on quarter-deck with white straw hats on; the crew, then of the Sea King, thought that these men must be part of the Alabama crew; the Laurel steamed about to an island about thirty-five miles distant from Madeira, to southeast. Captain Ramsey, of the Laurel, came on board of us in a boat when off this island and said, "I have some stores for you, some very heavy cases; get your purchases aloft;" Captain Corbett then gave orders to get the gear up as quick as possible, that he wanted the Laurel discharged as soon as possbly could be. The crew then said, Bombay is shifted to Madeira; the captain heard it and went on the bridge laughing, and told the men they would get satisfied after. When the third case came on board the main lift-fall gave way, and the case landed between the sails and ship's deck; the captain sung out, "For God's sake don't lose that piece of metal;" it was a cannon, the bore of which was about eighteen inches; the captain then ordered us aloft to secure the purchase. We took in from the Laurel eight cannon, viz: six large and two small, with their carriages; the guns were called 68-pounders; a quantity of powder, muskets, pistols, shot and shell, clothing, and a quantity of other stores; everything was packed in cases; also a quantity of coals. We worked from 3 to 11 o'clock that night; we then complained we wanted something to eat, and we proceeded to the forecastle and were getting our supper, when the mate came forward and said, "I now come forward to you to state that the ship is sold to the confederate government, and the confederate commander offers you

£10 bounty and £6 per month; you will get two months' pay for bringing the ship, besides your month's advance." We objected to engage on such conditions, and we told the mate that we had signed articles for Bombay, &c., for two years; we said also that we would seek satisfaction before leaving the ship. The mate then returned and said, "I will want you to-morrow at sunrise to finish the remaining part of the cargo; I am only a servant, as well as yourselves." We agreed to this. When we had finished discharging the Laurel, Captain Corbett then called the men all aft and said, "Men, I have done with you; I have sold the ship to the confederate government." We then said, "Did we not sign for Bombay; do you call this making a Bombay voyage; did you not know this before you left London? If we had committed ourselves according to the articles we were liable to three months' imprisonment." Captain Corbett answered, "Well, men, I cannot help it. The commander here says he will give you two months' pay for fetching the ship here, and pay your expenses home." We objected to this. And he said, "All you men that wish to join the Shenandoah remain; those who do not, go on board the Laurel; I will see you all right, but before you go I will give you all a glass of grog each." We took it and went on board the Laurel, four only remaining of the crew in the Shenandoah. Our supercargo assumed the rank of first lieutenant and commander, and he asked Captain Corbett to do all he could to get us to join him. He said he did not know what he would do without us and offered us then £16 bounty and £7 10*s.* per month; we refused and left in the Laurel, coaled, and we were kept on board the whole time, viz., two days. We were then sent on shore by the last lighter that fetched the coals, and the Laurel steamed away directly; we were taken to an hotel by Captain Corbett, but our food being so bad we complained, and some four of the crew went to the British consul, and, previous to our landing, we were warned by the captain to state that we were distressed seamen; that our ship, the Sea King, had gone down under us; we were satisfied to say this, provided we got proper treatment. The consul said to the men, "I thought you were distressed seamen." The men stated their case, and the consul took a statement from them, sent for the captain and asked him if he could deny that; the captain said "No." We then went into the Calabar mail-boat; the captain said he could not accommodate us, but the consul said he must take us, and we were to do the best we could. Captain Corbett was sent on board a prisoner, and the captain of the Calabar treated us very humanely on the passage. We arrived at Liverpool on the 11th instant, and Captain Corbett went ashore with the captain of the Calabar and the purser, and given over to the board of trade a prisoner; I saw nothing of him since. A message was sent on board that the owners were coming to see us, but they never appeared. The mate and steward that went with us in the Sea King came down on the Friday evening, and said, "The captain is bailed out and absconded; you won't see him no more. The owners offer you three months' pay or let it alone, as you please; so sum it up as quick as possible. I am coming down in the morning with the owner, and will settle up with all those that like to take three months' money." I took the three months' pay, but a number would not, and I came up to London.

WM. HARRIS.

Sworn by the deponent, at my office, No. 37 Nicholas lane, in the city of London, this 19th November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

Depositions of James Schutcher and others.

We James Schutcher, of Colchester, Essex; John Adair, Donaghadee, Ireland; and John Taylor of Torquay, Devonshire, do solemnly and sincerely swear that we were shipped at Green's Sailors' Home, on the 5th October last, as able seamen for the screw steamship Sea King, of London, Corbett master, for a voyage to Bombay, or any port in the Indian Ocean, China seas, or Japan, for a term not to exceed two years. We left the East India docks on the 8th October, and when below Gravesend we ran into a smack. We went down the channel under steam and sail, and when off Landsend the screw was taken up and she was put under reefed canvas. It soon became talked among the crew that the ship could not be intended for Bombay, as she was going under easy sail with such a fine wind; before reaching Madeira the boatswain had orders if a steamer appeared in sight to let go everything fore and aft. On the 18th October we signaled two steamers in the Funchal roads; one proved to be the Laurel, of Glasgow; she came out to us rolling very heavily; after exchanging signals both ships steamed and sailed to the island of Deserters, between thirty and forty miles distant from Madeira, to the southeast. The Laurel came to anchor, and the Sea King, after taking in her canvas, anchored also; in a short time the Laurel came alongside of us, and Captain Corbett ordered us to rig the purchases to the port main-yard, preventer-lifts, &c., to transfer stores, &c., from the Laurel into his ship, so as to lift the weight of three tons; the cargo consisted of guns, shot, shell, powder, small-arms, clothing, and general stores. That night the mate came forward to us and asked us if there were any of us would join the ship, as she was sold to the confederate government; finding none of us willing, he told us to make up our minds by the morning. On the following morning we began work about half past five, (5,) and when we had finished discharging the Laurel, Captain Corbett called all the crew aft; he was then standing on the quarter-deck, and an officer in confederate naval uniform stood on his right, with two rings on his cuffs. Captain Corbett then said he had sold the ship, and pointed to this gentleman in confederate uniform as the present captain, and her name is now the Shenandoah; we were much dissatisfied, and we gave no answer; but the confederate officer offered us from £10 to £15 bounty, with £6 to £7 10*s.* per month, and two months' advance, and he requested Captain Corbett to do what he could to get as many as possible to join him. Captain Corbett then said, those that wish to remain in the Shenandoah stop, the others go on board the Laurel; we did so; only four remaining on board the Shenandoah; the crew, or rather a number of men and officers; then went into the Shenandoah; this was about 12 o'clock; in all, there were not more than from thirty to forty, and certainly not more than twenty able seamen among them, the remainder being principally officers. The confederate flag was hoisted about 4 o'clock p. m., and the Laurel then took us to Santa Cruz, Teneriffe; we arrived on the 20th October, and were kept on board till the Laurel had finished coaling, and sent ashore in the last coal barge that left the Laurel. On the 22d October we were then told by the mate, and afterwards the captain, that if any question should be asked us, to say we were distressed seamen, and state the same to the British consul if asked. We were then taken to the Hotel de la Mariner, but no proper provision being made for us, and after complaining to the captain without getting satisfaction, four of our crew went to the British consul and stated our case; he took their statement on oath;

we were then placed on board the Calabar mail steamer as deck passengers, the captain coming with us, who stated that he was a prisoner. We arrived at Liverpool on Friday, the 11th November, and the captain went ashore with the captain of the Calabar and purser. On the Saturday morning we took three months' wages. There was no communication between the two ships but by signals, until we had arrived at the island, when Captain Ramsay, of the Laurel, came on board in a boat, and said he would be alongside in half an hour with the stores and guns; no negotiations were made for the sale of the vessel until after we had left the ship and the confederate flag was hoisted on board the Sea King.

his
JAMES × SCHUTCHER.
mark.

Witness to the mark of James Schutcher:
ROBERT WARNE.

Sworn by the deponent, James Schutcher, at my office, No. 11 Abchurch lane, in the city of London, this 26th day of November, 1864, the witness to the mark of the deponent being first sworn that he has truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

HENRY D. PHILLIPS
A London Commissioner, &c.

JOHN ADAIR.
JOHN TAYLOR.

Sworn by the deponents, John Adair and John Taylor, at my office, No. 11 Abchurch lane, in the city of London, this 26th day of November, 1864, before me.

HENRY D. PHILLIPS,
A London Commissioner to Administer Oaths in Chancery.

B.

LONDON, *December* 1, 1864.

Thomas Gibson, fireman, has leave of absence until the 1st of January, 1865, and will, at the expiration of his leave, report for duty aboard the Confederate States steamer Rappahannock at Calais, as one of the crew of the Florida.

C. MARRIGAULT MORRIS,
Lieutenant Commanding.

Deposition of Thomas Gibson.

I, Thomas Gibson, of Great Britain, do solemnly and sincerely swear, that I was fireman on board the confederate war steamer Florida, and was paid off at the St. Katharine Hotel, opposite the St. Katharine dock, on Monday, the 5th instant, by Captain Morris, and Captain Morris signed my liberty ticket, which was handed to me by Lieutenant Barnes,

in the presence of Captain Taylor, the paymaster, and Mr. King, the master's mate, and the liberty ticket attached to this statement is the one that was given to me by Lieutenant Barnes.

THOMAS GIBSON.

Sworn by the deponent, Thomas Gibson, at my office, No. 37 Nicholas lane, in the city of London, this 22d day of December, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

Deposition of William Young.

I, William Young, of Great Britain, do solemnly and sincerely swear, that I was fireman on board the confederate war steamer Florida, and was paid off at the St. Katharine's Hotel along with the remainder of the crew of the Florida, as stated by deponent Thomas Gibson, on the same date and time, and in the presence of Captain Morris, Paymaster Taylor, Lieutenant Barnes, and Mr. King, master's mate. I received a liberty ticket, worded, signed, and delivered to me the same as deponent, Thomas Gibson, which is attached.

WILLIAM YOUNG.

Sworn by the deponent, William Young, at my office, No. 37 Nicholas lane, in the city of London, this 22d December 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to Administer Oaths in Chancery.

C.

I, Robert Nuthall, 1st assistant engineer on board the Confederate States vessel of war Rappahannock, commanded by W. P. A. Campbell, lieutenant commanding C. S. N., do by these presents allot forty-eight fifty one-hundredth dollars per month of my pay for the support of my family; and I do hereby appoint Jones & Co., ship-brokers, Liverpool, my attorney, to receive for that purpose from the navy agent at the port of Liverpool, England, the said sum of forty-eight fifty one-hundredth dollars monthly, for the term of twenty-four months, the first payment to be made on the 31st day of March, 1864.

In witness whereof, I have hereunto set my hand and seal the 27th day of February, 1865.

ROBERT NUTHALL. [L. S.]

In presence, and with the approbation of—
WILLIAM P. A. CAMPBELL,
Lieutenant Commanding C. S. N.

Registered by—

DOUGLASS F. FORREST,
Assistant Paymaster C. S. N.

Mr. Adams to Mr. Seward.

No. 1031.] LEGATION OF THE UNITED STATES,
London, August 10, 1865.

SIR: I have given some reflection to the subject of your dispatch No. 1484, of the 25th of July, relating to the depredations of the Sea King in the sea of Okhotsk. These must have been committed at a period before the orders alleged to have been sent out from the rebels claiming authority here to stop all further operations were received. The name of the commander is stated to be Waddell. If there is a probability that memorials respecting the losses will be prepared and sent forward, I am strongly of opinion that it would be better to wait for them as a basis of a formal claim of indemnification, rather than to make one now, without evidence or knowledge of fact other than what comes from a vague statement communicated by telegraph from San Francisco. Entertaining this opinion, I shall venture to postpone action until further advices.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1525.] DEPARTMENT OF STATE,
Washington, August 25, 1865.

SIR: Your dispatch No. 1031, of the 10th of August, relative to the depredations committed by the Sea King in the sea of Okhotsk, has been received. No representations and no further information upon the subject have been communicated to this department.

You are at liberty to exercise your own discretion as to the expediency of postponing action in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, August 25, 1865.

SIR: For the information of the department I have the honor to transmit herewith a copy of the Morning Post of the 21st, containing a letter dated the 19th instant from J. M. Mason, respecting the pirate Sea King, *alias* the Shenandoah.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN,
Secretary of Legation.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Morning Post of August 21, 1865.]

To the Editor of the Morning Post:

SIR: Late intelligence from the United States of the recent capture of American ships in the Pacific by the Confederate States ship Shenandoah in that sea leads me to address you this note.

As soon as it was known in Europe that the war in the United States was ended, by the final surrender of all the confederate forces in the field, immediate measures were taken by the proper authorities here to arrest the cruise of that ship by orders issued to her commander, directing that on their receipt he should immediately cease all hostilities and bring his ship to the nearest convenient port, to have her there forthwith disarmed and her crew discharged; and those orders were sent through channels most likely to insure their speedy and certain delivery to every point in those distant seas where the Shenandoah would necessarily touch, and with which she would be in communication. It is to be presumed, therefore, that her hostile cruise has long since ended.

In the condition of the confederate government at the termination of the war, the duty of doing this promptly was fully recognized by its representatives in Europe.

By giving this a place in your columns you will much oblige your very obedient servant,

J. M. MASON,

24 *Upper Seymour street, Portman Square, August* 19.

Mr. Seward to Mr. Adams.

No. 1539.] DEPARTMENT OF STATE,
Washington, September 7, 1865.

SIR: The capture of numerous United States whaling vessels in the waters northwest of this hemisphere by the Shenandoah has naturally excited in this country generally, and particularly among the worthy persons more directly interested, great dissatisfaction. The antecedents of the captor, her course from her departure from England, and particularly the aid and comfort extended to her at Melbourne, Australia, where prior to her recent career above adverted to she was last heard of, warrant us in regarding her as substantially a British vessel, for whose acts her Majesty's government may lawfully and justly be held accountable. You will, consequently, address a note to this effect to Earl Russell, if you should not already have done so pursuant to my general instructions. Mr. Dudley, the consul at Liverpool, who is familiar with the subject, will furnish you with any facts of which you may not be aware relative to her history, at least before she left England, and the accompanying copy of a dispatch of the 23d of February last to this department, from the United States consul at Melbourne, furnishes full details in regard to the proceedings of the Shenandoah at that place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For inclosures see dispatch No. 1074 of Mr. Adams to Mr. Seward, dated October 27, 1865, *post.*]

Mr. Seward to Mr. Adams.

No. 1541.] DEPARTMENT OF STATE,
Washington, September 11, 1865.

SIR: With reference to your dispatch of the 10th ultimo, No. 1031, and to my Nos. 1525 and 1539, I transmit a copy of a letter of the 16th ultimo from Messrs. J. C. Merrill & Co., of San Francisco, part owners and agents of the whaling bark William C. Nye, relative to the claim against the British government, on behalf of the owners of that vessel, to indemnity for losses growing out of her destruction by the Shenandoah, or Sea King.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., London.*

[For inclosure see dispatch No. 1074 of Mr. Adams to Mr. Seward, dated October 27, 1865, *post.*]

Mr. Adams to Mr. Seward.

[Extract.]

No. 1046.] LEGATION OF THE UNITED STATES,
London, September 14, 1865.

SIR: * * * * * *

In connection with this subject, I transmit herewith a copy of the London Times of Monday, the 11th instant, containing a leader relating to the depredations of the Shenandoah.

It is quite clear to me that this is prompted by uneasiness in high quarters respecting the new consequences that are perpetually developing themselves from the original mistake in policy.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times of September 11, 1865.]

It is impossible not to share the indignation so loudly expressed on the other side of the Atlantic at the continued depredations of the Shenandoah on the northwest coast of America. Several months have now elapsed since the American war terminated *de facto*. No formal treaty of peace was executed by the confederate government, for the simple reason that all its leading members were either captives or fugitives; but the generals had signed capitulations, the armies were disbanded, the only existing civil authorities had taken the oath of allegiance to the United States, and the most influential citizens in the South were suing for pardon. Yet so lately as the end of June, and when the surrender of Generals Johnston and Taylor was already known throughout the ports of the Pacific, Captain Waddell was still burning

and plundering American merchantmen in the name of the Confederate States. It appears from accounts published in the San Francisco press that, although in possession of full reports, he professed to disbelieve the ruin of the confederacy, on the ground that he had no information of it except from northern papers. It remains to be seen how far this plea will avail him if he should be overhauled by a war vessel of the United States. In the mean time the utter illegality of his proceedings can admit of no dispute. From the moment that peace is concluded between the two belligerent powers, all acts of hostility are *prima facie* wrongful, and this rule applies *a fortiori* where the one is so prostrated as to be incapable of making any conditions. Had the confederate government been in a position to enter into regular negotiations, some date would, no doubt, have been fixed after which all captures by land or sea should be null and void. As it was, that government suddenly ceased to exist, and thenceforth all persons claiming to act in obedience to its orders were left to carry on war or make their submission on their own responsibility. Captain Waddell has thought proper to adopt the former alternative, and he has done so at his peril. Unless he can show that he had neither actual nor constructive knowledge of what was known to every one else in the same latitudes and discredited by himself, he has no claim to mercy. It would be absurd in such a case to entertain the questions raised by jurists as to whether there must be an official notification of a peace, and whether an individual can be responsible for ignoring a peace of which he is technically ignorant. The commander of a vessel like the Shenandoah carries his life in his hand; his enterprise, at the best, is only distinguished from piracy so far and so long as it is authorized by a sovereign, or, at least, a belligerent state. If he chooses to prolong his cruise after being positively informed of facts which make his commission waste-paper, and render him a subject of the United States, he can expect no presumptions to be made in his favor.

There is every reason to fear that the ravages committed by the Shenandoah since the close of the war have been far more destructive than before. Towards the end of July a vessel called the Milo reached the harbor of San Francisco, having on board the crews of several American whalers pillaged and set on fire by this privateer. On the 1st of August another vessel called the General Pike arrived at the same port with a similar freight, bringing still more disastrous news. The Milo had left the Shenandoah on the 23d of June near the entrance of the Gulf of Anadyr, on the northeast of Siberia, where a number of whalers were then lying. Two officers belonging to the ship Abigail, then on the point of falling into Captain Waddell's hands, had managed to get away in a fog, and to warn these vessels in the gulf. They at once sought safety among fields of ice where the Shenandoah could not follow them, and most of them are believed to have escaped. Thus baffled, Captain Waddell destroyed the Abigail and three other ships with which he fell in soon afterwards, and proceeded towards Behring's Straits. It is said that about eighty whalers, comprising nearly the whole Arctic fleet, were cruising in those seas, and twelve or fourteen were known to have been captured or destroyed when the mail left San Francisco. The General Pike was one of the first overtaken, and the crews of six or seven others were forthwith put on board of her, to be carried back to San Francisco. No less than two hundred and fifty-two persons were crowded into this small bark, of which the ordinary crew did not exceed thirty; and if her master is to be believed, nothing could be more brutal than Captain Waddell's language and behavior towards

his prisoners. When the General Pike quitted the Shenandoah the latter was steering in pursuit of other whalers, and on the 3d of August intelligence reached San Francisco that nine more vessels had been destroyed since her departure. In fact, there was little hope that any considerable part of the whaling fleet would succeed in making good their escape. Ships of this class are not built for speed, and a single war steamer may pounce upon them one after another with perfect ease and impunity.

It is sad to read of such wanton and vindictive devastation, and we can make great allowance for the exasperation of the shipping interest in California. It is, perhaps, natural that their resentment should betray itself in bitter allusions to the alleged complicity of this country with the evil deeds of the Shenandoah. "The English pirate," "the English thief," "the English pirate, thief, or robber Sea King, called Shenandoah"—such are the titles which the unhappy mates and captains of the captured vessels apply to the spoiler. This is not the time to revive the wearisome controversy on the original equipment of the Alabama and her consorts. Whether or not they ever acquired a lawful national character under the commission of President Davis, and whatever may be thought of the privileges conceded to them in British and French ports, they have now lost both the one and the other. The Shenandoah is absolutely excluded from shelter in any part of our dominions, and lest Lord Russell's circular should not have reached Vancouver's Island, the British consul at San Francisco, with praiseworthy forethought, telegraphed the substance of it to the governor of that colony. This is all that can strictly be required of us by international law, but it may be worth considering whether a further step would not be justified under the peculiar circumstances of the case. Our neutrality, with its very limited "rights," and very onerous "duties," has ceased with the war, and nothing remains but our obligations, legal and moral, towards a friendly power in time of peace. We have amply satisfied the requirements of honor as between ourselves and the now extinct confederate government, and there is no longer room for the exercise of impartiality. There is no such thing as a "confederate steamer Shenandoah," for there is no belligerent power to claim her or to be responsible for any enormities that she may perpetrate. Captain Waddell is, to all intents and purposes, his own master, and has the absolute disposal of all the plunder which he may accumulate. In other words, he is engaged in a private buccaneering raid, and has thereby made himself the enemy of all civilized nations. He may have had good reasons of his own for sparing British merchantmen, but there is no good reason that we can see why he should be spared rather than any other pirate if he should chance to fall in with a British man-of-war. It was not his respect for English hospitality, but the vigilance of the colonial government, that alone prevented a gross breach of our laws when the Shenandoah lay in Australian waters. Justice and policy alike suggest that we should aid the United States in cutting short his lawless career, and putting down outrages so ruinous to commerce and so disgraceful to civilization. We hope that instructions to that effect may be sent to the commander of our squadron in the Pacific. It is an act that would be appreciated by the United States and justified by public opinion in great Britain. Nothing but the direst necessity could excuse the system of condemning and burning ships on the high seas adopted by the confederate cruisers during the war. So strong was the feeling against it in this country that many people could never be induced to believe that it was tolerated by international law.

As now practiced by Captain Waddell, in flagrant defiance of all law, it can excite nothing but horror, and the circumstance of the Shenandoah being launched from our own shores, after all our efforts to maintain the spirit of the foreign enlistment act, will certainly not win for her any exceptional sympathy.

Mr. Adams to Mr. Seward.

No. 1059.] LEGATION OF THE UNITED STATES,
London, September 29, 1865.

SIR: I transmit to you copies of the London Times of the 26th, of the 27th, of this month, and of this morning.

That of the 26th has a leader on the subject of the continued piracies of the Shenandoah, which sufficiently betrays the uneasiness that is felt on that subject. The other two relate more particularly to the President himself and to his policy. You will not fail to note the remarkable change that has taken place since the time when I forwarded with my dispatch No. 936, of the 28th of April, the first notice of himself that appeared after the news of his accession. I then ventured to predict the possibility of a conversion in his case like that which happened in that of his predecessor.

I am glad to learn from the tone of those newspapers understood to be most in the way of hints from high sources that the relations between the two countries are thought to have been at no time so perfectly amicable as now.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times of September 26, 1865.]

There is every reason to hope that peace, abroad as well as at home, will be the leading aim of President Johnson's policy. Few could have expected that one who denounced rebellion so sternly would display such moderation and humanity in the hour of triumph, or that so eager a partisan would prove capable of rising so far above party influences. Perhaps Mr. Johnson himself, like his predecessor, Mr. Lincoln, hardly foresaw the mellowing effect of responsibility upon his earlier views, and would freely admit that, in the short experience of office, he has both learnt and forgotten much. This power of rapid self-adaptation is an eminently American virtue, and it has infinitely facilitated the work of pacification in the South. The southerners do not pretend to have altered their private convictions, but they look facts in the face, and, finding the question of slavery settled once for all by force of arms, they make the best of it and cheerfully rejoin the Union. The same good sense and readiness to let bygones be bygones have been shown by the northern people, and still more remarkably by the government. What concerns us, however, more nearly is the present attitude of the United States towards foreign powers, and here, again, it is but just to acknowledge that our fears have not been realized. Even Mr. Cobden firmly believed that a declaration of war against the Mexican empire would follow immediately upon the subjugation of the South, but nothing of the kind has yet taken place, or appears to be contemplated. Our own

relations with the Washington government have never been more friendly since France and England, in justice to the United States as well as to themselves, recognized the confederates as belligerents. Mr. Seward, indeed, took exception to the terms in which Lord Russell announced the withdrawal of that recognition, but he coupled his remonstrances with assurances of his desire not only to preserve amity, but to establish "a lasting and intimate friendship between the two nations." The sincerity of this desire is fully appreciated in this country, and the remembrance of any misunderstandings that may have arisen in the course of the war is becoming fainter and fainter every day on this side of the Atlantic. It is, therefore, peculiarly vexatious to hear that one source of irritation, which ought long since to have been closed, is still kept open by the proceedings of the Shenandoah, which continues to rove the seas under a confederate flag.

We have already called the attention of our readers to the depredations of this cruiser—the only relic of a flotilla which once numbered five steamers and four sailing vessels. In spite of positive information that the confederacy was crushed, that President Davis was a prisoner, and that all the southern generals had laid down their arms, Captain Waddell chose to wait for an official notification of it from a government which no longer existed, and to pursue, in the mean time, his buccaneering voyage. Having planned a kind of *battue* among the whalers of the northern Pacific, he was engaged, by the last accounts, in burning one after another, and it is believed that he would succeed in destroying the whole fleet. Such ravages had never been committed by the Alabama herself during the height of the war, and they, of course, infuriated the mercantile community at San Francisco, to which port many of these ships belonged. The news has since reached the United States, and our Washington correspondent comments on its effect in keeping alive the old grudge against Great Britain. It is natural that it should do so, and, however little we may deserve them, we must bear patiently with reproaches for which there is too good an excuse. The mischief done in wanton malice by the Shenandoah is enough to justify any degree of resentment, and as there is no one else to be held responsible except Captain Waddell, who cannot be got at, no wonder that the brunt of it falls upon us. So far as we are blamed for the original launching of the Shenandoah in British waters, we can only reply, as we have so often replied before, that we had no means of preventing the construction of a hulk which should afterwards be converted into a ship of war beyond our own territory. On another point, however, there seems to be a misapprehension which it is desirable to remove. The special ground of complaint against us, as reported by our correspondent, is, that we have deviated from the course adopted by other powers, and given confederate cruisers the benefit of twenty-four hours' shelter in British ports, "so that," (to quote the words of an American officer,) "even if our vessels followed the Shenandoah into any of your ports, in any part of the world, we should not be allowed to take her." Thus stated, the construction put on Lord Russell's dispatch by the American public is erroneous in more than one respect. It is not the fact that her Majesty's government stood alone in the application of the twenty-four hours' rule, for precisely the same ground was taken by the French government. Nor is it the fact that Captain Waddell would be able to claim the benefit of that rule under any circumstances whatsoever.

Nothing can be simpler than the principles on which we have granted or refused shelter to these cruisers. On the 31st of January, 1862, Lord Russell communicated to the colonial office certain directions for the

guidance of colonial governors. The first part of these directions related exclusively to the Bahamas, and prohibited the admission of any vessel of war, federal or confederate, to any harbor in those islands, "except by special leave of the lieutenant governor, or in case of stress of weather." Any such vessel of war, or any vessels of war which might be already lying there, were to be required to depart with all possible dispatch, but no ship of war belonging to one belligerent was to be permitted to sail within twenty-four hours after the departure of any ship belonging to the other belligerent. The rule laid down for the United Kingdom and the colonies differed from this in one particular. Ships of war belonging to either belligerent were not directly prohibited from entering or remaining in our ports, but only from making them a place of resort for purposes of war or warlike equipment. They were, therefore, to be sheltered there so long as might be absolutely necessary for provisioning or repairing, but *the same twenty-four hours' rule was to be applied.* When the recognition of the Confederate States as belligerents was canceled on the 2d of June last, all the ports in our empire were closed against vessels of war under a confederate flag, and all such vessels were cautioned to depart forthwith, but the twenty-four hours' rule was to be maintained in their favor "*then and for the last time.*" A reference to the circular of the French minister of marine, published in the Moniteur of June 13, will show that precisely the same reservation was made by the imperial government: "You will cause to be observed, for the last time in their behalf, the rule laid down in my circular of the 5th of February, 1864, and by the terms of which an interval of at least twenty-four hours must be observed between the departure of any vessel of war of one of the belligerents and the subsequent departure of any vessel of war of the other belligerent." The justice of this provision is self-evident, but it has no bearing on the case of the Shenandoah, which was not lying in any of our ports when Lord Russell's letter was received. It is true that in the next paragraph permission was granted to confederate captains to enter our ports and disarm their vessels, at their own risk, within one month after the receipt of that letter by the colonial authorities, but it was expressly added that the twenty-four hours' rule would there be inapplicable. The worst, therefore, that could happen is that Captain Waddell should have presented himself at Vancouver's Island within a month after the governor has received Lord Russell's dispatch, obtained leave to disarm the Shenandoah, and thereby saved himself from the doom of a pirate. It is highly improbable that he would have bethought himself of doing so while he was in hot pursuit of the whaling fleet. Even if he had, the Shenandoah's career would be at an end, for she must instantly part with her armament, whereas if he had not, the day of grace would be over, and no British port would be open to him. Whether by his conduct he has not forfeited all claim to avail himself of any such privilege is a further question which may be left to the legal advisers of the Crown, but we do not scruple to express the hope that, in the event of its arising, it may be answered in the affirmative.

Mr. Adams to Mr. Seward.

No. 1074.] LEGATION OF THE UNITED STATES,
London, October 27, 1865.

SIR: I have the honor to transmit a copy of a note addressed by me to Lord Russell on the 21st instant, in conformity with the instructions contained in your dispatches Nos. 1539, 1541, and 1551.

The delay has been occasioned by the time taken in occupying the voluminous papers which accompanied No. 1539. Had I not supposed that you considered it important to make them all a part of the record, I should have made selections, much reducing the number.

I likewise transmit a copy of his lordship's note acknowledging the reception of mine. I presume that this is the last official act I shall draw out from him in his present post.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Mr. Seward's dispatch to Mr. Adams, No. 1551, September 27, 1865, is printed under the head of "Negotiations Concerning Claims," *post.*]

Mr. Adams to Lord Russell.

[Delivered at the Foreign Office at 7.20 p. m., October 21, 1865.]

LEGATION OF THE UNITED STATES,
London, October 21, 1865.

MY LORD: Under instructions from my government I have the honor to submit to your consideration copies of certain papers, marked A, relative to the destruction of the whaling bark William C. Nye by the vessel known under the name of the Shenandoah.

I am further directed to state that, in view of the origin, equipment, and manning of that vessel, my government claims to look to that of Great Britain for indemnification for this and other losses that have been occasioned by her depredations.

In order that the facts attending this particular case may be more fully laid before you, I pray your lordship's attention to the series of papers marked B, herewith transmitted, which relate to a very material portion of this vessel's career.

In the statement of this case I shall endeavor to confine myself to a recapitulation of the principal facts. To this end, it will be necessary for me to recall your attention to certain portions of the correspondence which I have heretofore had the honor to hold with your lordship.

In the letter which I was directed to address to your lordship on the 6th of September, 1864, when I was under the painful necessity of remonstrating against the conduct of the commander of the yacht Deerhound in rescuing from the hands of the victor in the strife many of the crew of the Alabama, I received orders to submit to your consideration four propositions, two of which were in the following words:

"3. That the continuance of these persons to receive from any British authorities or subjects any pecuniary assistance or supplies, or the regular payment of wages, for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.

"4. The occasion has been thought to warrant a direction to me to ask with earnestness of her Majesty's government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any further naval expedition from British shores to make war against the United States."

To these propositions your lordship was pleased to reply, on the 26th of September, by stating that the rescue of those people from the sea and from their captor was regarded by you as a praiseworthy act of humanity, and that, after their escape into this kingdom as a refuge, any attempt to restore them would be viewed by you only as a violation of hospitality. No action whatever, so far as I have had an opportunity of knowing, has followed upon either of these requests.

On the 10th of November following, I took the liberty of calling your lordship's attention to the fact that these refugees, who had been enjoying the hospitality of a neutral kingdom, were in reality persons, most of them British subjects, originally enlisted within this kingdom for an unlawful purpose, actually still engaged in the same business, and held together with a view of making a part of another enterprise of the same sort with that of the Alabama, conceived and executed in all its parts by agents of the rebels residing all the time under the protection of her Majesty's neutral territory, at Liverpool.

The result, as displayed in the papers now submitted, shows conclusively that the "refuge" spoken of by your lordship has been turned into a den of robbers, and that the humanity so freely commended has, in its consequences, been productive of widespread suffering to many industrious and innocent men.

On the 18th of November, 1864, I had the honor to transmit to your lordship certain evidence which went to show that on the 8th of October preceding a steamer had been dipatched, under the British flag, from London, called the Sea King, with a view to meet another steamer called the Laurel, likewise bearing that flag, dispatched from Liverpool on the 9th of the same month, at some point near the island of Madeira. These vessels were at the time of sailing equipped and manned by British subjects; yet they were sent out with arms, munitions of war, supplies, officers and enlisted men, for the purpose of initiating a hostile enterprise to the people of the United States, with whom Great Britain was at the time under solemn obligations to preserve the peace.

It further appears that, on or about the 18th of the same month, these vessels met at the place agreed upon, and there the British commander of the Sea King made a private transfer of the vessel to a person of whom he then declared to the crew his knowledge that he was about to embark on an expedition of the kind described. Thus knowing its nature, he nevertheless went on to urge these seamen, being British subjects themselves, to enlist as members of it.

It is also clear that a transfer then took place from the British bark Laurel of the arms of every kind with which she was laden for this same object; and, lastly, of a number of persons, some calling themselves officers, who had been brought from Liverpool expressly to take part in the enterprise. Of these last a considerable portion consisted of the very same persons, many of them British subjects, who had been rescued from the waves by British intervention at the moment when they had surrendered from the sinking Alabama, the previous history of which is but too well known to your lordship.

Thus equipped, fitted out, and armed, from Great Britain, the successor to the destroyed corsair, now assuming the name of the Shenandoah, though in no other respects changing its British character, addressed itself at once to the work for which it had been intended. At no time in her later career has she ever reached a port of the country which her commander has pretended to represent. At no instant has she earned any national characteristic other than that with which she started from Great Britain. She has thus far roamed over the ocean, receiving her

sole protection against the consequences of the most piratical acts from the gift of a nominal title which Great Britain first bestowed upon her contrivers, and then recognized as legitimating their successful fraud.

I am not unmindful of the grounds which have been heretofore assigned by your lordship as releasing her Majesty's government from responsibility for the flagrant conduct of this vessel. It is urged that there is no power to prevent vessels bearing the semblance of merchant ships from leaving the ports of this kingdom, and meeting each other at some place on the ocean, far beyond her Majesty's jurisdiction, for the execution of a purpose like that now in question. The parties to it violate no law of the land provided they commit no offense against the neutrality of the kingdom within its territorial limits. Whilst I cannot myself quite appreciate the force of this reasoning, so far as it may be applied to absolve one nation from its international obligations with another merely on account of the skill of its subjects in evading the local law, I am, at the same time, not disposed to underrate the difficulties which the best-intentioned government may, in performing its duty, experience from that cause. Its will may certainly be sometimes baffled by the arts of desperate and profligate adventurers. Did the merit of this case depend upon the mere fact of the escape of the vessel from a British port by eluding the vigilance of the authorities, it might perhaps be considered as not entailing upon her Majesty's government so heavy a responsibility. There are other circumstances connected with that event which aggravate its nature. One of the most grave appears to be the fact that, after the escape had occurred and the nefarious project had been consummated, her Majesty's government nevertheless, instead of taking prompt measures to denounce the transaction thus completed in defiance of its authority, and refusing to give it the smallest countenance in any British port, deliberately proceeded to accept the result as legitimate, and to direct that this vessel, so constituted, should be from that moment entitled to all the privileges which an honest belligerent might claim, or any vessel of the United States would enjoy.

The consequences of what I cannot but regard as this most unfortunate construction of international law, by which success in committing the fraud was made the only test to purge it of its offensive nature, have been manifested in the manner in which the Shenandoah was received wherever it went in the British dependencies.

The supplies there obtained, under one pretense and another, particularly in the remote ports of Australia, have enabled this vessel to keep the seas and continue her depredations long after she has been stripped of the last shadow of the character with which her Majesty's government voluntarily chose to invest her at the outset.

It is impossible to read the papers which have been forwarded to my government from the consul at Melbourne, copies of which are submitted with this note, without feeling that in no instance on record have similar concessions been made to a vessel of such a fraudulent origin, or such offensive partiality been manifested towards it by a portion of a nation professing to style itself neutral. In consenting to receive this vessel, after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that her Majesty's government assumed a responsibility for all the damage which it has done, and which, down to the latest accounts, it was still doing, to the peaceful commerce of the United States on the ocean.

I pray permission to call your lordship's attention to still another of the circumstances which appear to me among the most grave belonging

to this case. This enterprise seems to have been the last of the series conceived, planned, and executed exclusively within the limits of this kingdom. It emanated from persons established here since the beginning of the war as agents of the rebel authorities, who have been more effectively employed in the direction and superintendence of hostile operations than if they had been situated in Richmond itself. In other words, so far as the naval branch of warfare is concerned, the real bureau was fixed at Liverpool and not in the United States. These vessels were constructed or purchased, the seamen enlisted, the armament obtained, the supplies of every kind procured, the cruises projected, and the officers and men regularly paid here; in other words, all the war made on the ocean has been made from England as the starting point.

I have had the honor to furnish, from time to time, to your lordship, evidence of the most conclusive character touching most of these points, and I have even designated the chief individuals to whom the supreme direction of the operations had been intrusted. I fail to be able to recall in history a case of more flagrant and systematic abuse of the neutrality of a country by a belligerent kept up for an equal length of time. But what I cannot but think still more remarkable, is that, notwithstanding the fact of the frequent representations and remonstrances made by myself, under the instructions of my government, so far as I have been permitted to learn not a single effort was ever made by her Majesty's government either to prevent or to punish the persons known to be engaged in this most extraordinary violation of the law of the land. Prosecutions have been instituted, indeed, against a few persons who were alleged to have been acting in contravention of the provisions of the enlistment act. Mr. Rumble, after escaping from justice by the leniency of a jury, received a decided censure from the government. Captain Corbett, the officer commanding the Sea King, though prosecuted, appears never to have been brought to trial. But all these and a few minor cases were exclusively those of British subjects, who appear to have been acting merely as instruments of a power above their heads.

Not a single individual directly connected with the rebellion and sent here to conduct the operations has ever been molested in any manner. It cannot, therefore, be at all a matter of surprise, when the mainspring of the various naval enterprises—the director of the Alabamas, Floridas, Georgias, and Shenandoahs—was left wholly undisturbed, that it has been impossible to put a stop to the damage which has ensued to the people of the United States from the ravage and depredation committed upon them by the operations carried on from this kingdom. At the very time when the fortunate encounter of the Alabama by the United States steamer Kearsarge terminated in the destruction of one of these corsairs, the offspring of the violated law of this land, and when the people of the United States were congratulating themselves that one great cause of irritation between the two countries was at last laid to rest, it now appears that the directing power to which I alluded at once turned its attention to the husbanding of the seamen saved by a trick from the hands of the victor, with a view to the immediate production of a successor to the same work. The evidence which I now have the honor to submit shows that many of the crew saved from the Alabama have been from the beginning, and still continue to be, a part of the crew of the Shenandoah.

Neither does it appear from anything within my knowledge that the smallest attention was ever paid by her Majesty's government to the

representations which I had the honor to submit at the time touching the probability of precisely such an operation.

That the principal person engaged in the direction of this bureau was an officer by the name of J. D. Bullock, expressly dispatched from Richmond for the purpose of organizing it, is a fact to which I had the honor to call your lordship's attention in many different forms during the progress of the struggle. Yet, in spite of all this evidence, Mr. Bullock appears to have been permitted to conduct his operations, and especially to shape the outfit and the entire cruise of the Shenandoah, without the smallest interference from any official quarters.

It may, however, be objected that whatever may have been the nature of my remonstrances, no sufficient evidence was presented of the official character and proceedings of Mr. Bullock to sustain the initiation of any prosecution against him in the courts; to which I am pained to be constrained to reply that my government has reason to believe that her Majesty's government has in one instance considered that evidence sufficient to sustain it in recognizing the authority of Mr. Bullock over the commander of the Shenandoah, so far as to stop its career, in consenting to furnish the medium by which to transmit his orders to that vessel. The power to prevent certainly implies the previous existence of a power to control. I beg permission to express the hope that inasmuch as the papers in which this fact appears have not come into the hands of my government by direct communication from your lordship, I may presume them not to be genuine.

Should the fact be otherwise, however, whilst readily conceding that the motive for such a proceeding may have been substantially of the most friendly nature in accelerating the termination of the ravage committed by that vessel, I do not at the same time feel at liberty longer to disguise from your lordship the sense of extreme surprise which the knowledge of it has caused, not less on account of the singular recognition thus incidentally made of the authority of one so long since pointed out as the principal offender against the neutrality of this kingdom, and enjoying a degree of impunity difficult to be understood, than of the fact that her Majesty's government appears to have determined thus to act without deigning any friendly signification of its purpose to the party most directly interested in the decision.

Since the preceding was written I have had the honor to receive unofficially from your lordship the gratifying intelligence that her Majesty's government have decided to send orders to detain the Shenandoah if she comes into any of her Majesty's ports, and to capture her if she be found on the high seas. I have taken great pleasure in transmitting this to my government; at the same time I trust I may be pardoned if I am compelled to remark that had her Majesty's government felt it to be consistent with its views to adopt this course at the time when it adopted that upon which it has been my painful duty to animadvert, it would have most materially contributed to allay the irritation in my own country, inseparable from the later outrages committed by that vessel.

Having thus acquitted myself of the unpleasant duty with which I have been charged, I pray your lordship to accept the assurances of my highest consideration, with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

A.

Messrs. Merrill & Co. to Mr. Seward.

SAN FRANCISCO, *August* 16, 1865.

DEAR SIR: The English propeller Sea King, *alias* confederate steamer Shenandoah, has made her appearance in the Arctic Ocean, and threatens the destruction of the entire whaling fleet. Twenty-five whaling vessels have already been burned by her, and four others captured and bonded for the purpose of bringing the crews of the burnt ships to this port and the Sandwich Islands.

On the 26th of June she burnt our bark, the William C. Nye, of this port, sending her crew to this port in the whaler General Pike, and we wish to place on file, or present for collection, our claim against the English government for the destruction of the said vessel, amounting to $280,212 50. The size of the William C. Nye, and the owners of her, are certified to by our deputy collector, and we forward with the claim the captain's "extended protest." Please inform me whether the claim should be presented in any different shape.

Allow me to suggest that the next Congress be recommended to appoint a "commission" to adjust these claims, while all the testimony that may be required can be obtained and the various facts in the different cases are fresh.

We remain, &c.,

J. C. MERRILL & CO.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The bark William C. Nye was of the capacity of $389\frac{35}{95}$ tons, as appears from copy of her register on file in this office, and she was owned as per statement hereunto attached.

In witness whereof, I have hereunto set my hand and seal, at San Francisco, this 11th day of August, 1865.

E. DANIELS, *Deputy Collector.*

SAN FRANCISCO, *August* 7, 1865.

English propeller Sea King, alias Confederate States steamer Shenandoah, Dr. to J. C. Merrill & Co., owners and agents of American bark William C. Nye.

Bark William C. Nye, live-oak built, coppered and copper-fastened, $389\frac{35}{95}$ tons, burned in the Arctic Sea June 26, 1865	$35,000 00
Boats, casks, crafts, provisions, whaling-guns, bombs, and materials	20,000 00
150 barrels whale oil on board, 4,725 gallons, at $1 50	7,089 50
Season's catch destroyed, estimated 2,500 barrels whale oil, 78,750 gallons, at $1 50	118,125 00
Whalebone, 50,000 lbs., at $2	100,000 00
	280,212 50

Owners:

J. C. Merrill & Co	$\frac{7}{16}$
P. H. Cootey	$\frac{3}{16}$
Moore & Co	$\frac{2}{16}$
Charles Hare	$\frac{2}{16}$
Tubbs & Co	$\frac{1}{16}$
William How	$\frac{1}{16}$
	$\frac{16}{16}$

UNITED STATES OF AMERICA,
State of California, City and County of San Francisco, ss:

To all people whom these presents shall or may concern:

I, E. V. Joice, a public notary in and for the State and county aforesaid, by letters patent under the great seal of the said State, duly commissioned and sworn, dwelling in the city of San Francisco, send greeting:

Know ye, that on this 7th day of August, in the year of our Lord 1865, before me, the said notary, at my office in the city of San Francisco, personally appeared S. H. Cootey, master of the bark William C. Nye, belonging to the port of San Francisco, (the said master having personally noted in due form of law his intention to protest,) who, together with Fitch Way, second officer; John Sheridan, steward; and John Scanlan, carpenter, belonging to the aforesaid vessel, being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily and solemnly did declare and depose as follows, to wit:

That they, the said appearers, on the 27th day of March, 1865, set sail and departed in and with the said vessel from the port of San Pedro, on a whaling cruise, and bound for the Arctic Ocean; the vessel being then stout, stanch, and strong; her cargo well and sufficiently stowed and secured, well masted, manned, tackled, victualed, appareled, and appointed, and in every respect fit for sea and the voyage she was about to undertake. That on the 27th day of March we left San Pedro, bound for the Arctic Ocean on a whaling cruise, having on board about 150 barrels of oil, the catch of between seasons. Meeting with no incident worthy of note, on the 25th of May we made Cape Thaddeus, and were cruising for whale, when, on the morning of the 26th of June, at 2 o'clock, the officer of the deck came down and reported what he thought to be a steamer close to us. Before the master could get on deck the steamer had hailed our bark to haul aback, which was done. The steamer lowered a boat and came alongside; an officer came on deck and said to Captain Cootey, You must consider yourself a prize to the confederate man-of-war Shenandoah. She had no flag flying, and this was the first intimation we had of her character. The officer then inquired how many officers we had on board, and was informed four, when he ordered the captain and officers, with her papers, to get into his boat and go aboard the steamer. At this time the war steamer was within one hundred and fifty yards of the bark, and her guns were all visible, and the magnitude of her strength and ability to carry out his orders were apparent. We got aboard the boat and were taken on board the Shenandoah, when an officer ordered the captain to go into the cabin, where he was met by Captain Waddell, in command of the Shenandoah, who inquired of the captain for his papers, which were handed over and then given to the clerk. A bond or parole was then made out for the captain and officers to sign, but the precise character of the document is not known. However, upon this being done, and all the papers belonging to the ship, including her register,

taken possession of by the clerk of the steamer, we were then informed by the commander of the steamer that he was done with us, when we were taken down into between-decks and there searched by a person called master-at-arms, who treated us with every indignity he could invent; our pockets turned inside out, clothing rudely examined, and then ordered to sit down on the floor with some Chinamen. After remaining in this place about thirty minutes, we were ordered on deck and to go aboard our bark to get a portion of our clothing. And while we were packing, the partitions were being knocked down preparatory to burning the vessel. In about fifteen minutes after going aboard we were ordered to leave, when the bark was set on fire, and we were then put on our own whale-boats in tow of the steamer, when she started for two or three other whalers in sight to the northeast. After capturing and burning these vessels, as well as our own, we were, by order of the captain of the Shenandoah, put on board the bark General Pike, together with those belonging to captured whalers, which vessel was bonded to take us to San Francisco, where we arrived August 1, 1865. There were seven ships' companies put on board the Pike, of about three hundred tons, all of whom suffered in consequence of the crowded condition of the ship and the want of accommodation for the voyage to San Francisco.

The bark William C. Nye was well found and equipped in every respect for the voyage she had undertaken.

And the said appearers further declare, that as all the damage and injury which already has or may hereafter appear to have happened or accrued to the said vessel, her freight and cargo, has been occasioned solely by the circumstances hereinbefore stated, and cannot be attributed to any insufficiency of said vessel, the neglect or default of him, this deponent, his officers or crew, he now requires me, the said notary, to make his protest and this public act thereof, that the same may serve and be of full force and value as of right shall appertain. And thereupon the said master protested, and I, the said notary, at his special instance and request, did, as by these presents I do publicly and solemnly, protest against the winds, weather, and seas, and against all and every accident, matter and thing, had and met with as aforesaid, whereby or by means whereof the said vessel, her freight or her cargo, already has or hereafter shall have suffered or sustained loss, damage or injury, and for all losses, costs, charges, expenses, damages, and injury which the said vessel, or the owner or owners of the said vessel, or the owners, freighters, or shippers of her said cargo, or any other person or persons interested or concerned in either, already have been or may hereafter be called upon to pay, sustain, incur, or be put into by or on account of the premises, or for which the insurer or insurers of the said vessel, her freight or her cargo, is or are respectively liable to pay or make contributions or average according to custom, or their respective contracts or obligations, so that no part of any losses, damages, injuries, or expenses already incurred or hereafter to be incurred, do fall on him the said master, his officers, or crew.

Thus done and protested, in San Francisco, this 7th day of August, in the year of our Lord 1865.

In testimony whereof, as well the said appearers as I, the notary, have subscribed these presents, and I also caused my seal of office to be hereunto affixed the day and year above written.

E. V. JOICE, *Notary Public.*
S. H. COOTEY, *Master.*
FITCH WAY, *Second Officer.*
JOHN SHERIDAN, *Steward.*
JOHN SCANLAN, *Carpenter.*

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, the undersigned notary public, hereby certify the foregoing act of protest to be an accurate and faithful copy of the original on record in my book of official acts.

In testimonium veritas.

E. V. JOICE, *Notary Public.*

B.

Mr. Blanchard to Mr. Seward.

[Extract.]

No. 4.] CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 23, 1865.

SIR: It is my painful duty to inform you that an armed steamship, flying the flag of the so-styled Confederate States, now called Shenandoah, but in reality the British vessel Sea King, entered this port on the 25th January, 1865, at about 8 o'clock p. m., and that said vessel was allowed to repair, to go upon a dry dock, to coal, and that she was allowed to depart at about 7 a. m. on the 18th of February, 1865, notwithstanding my continued protests.

* * * * * * *

On the 25th of January the telegraph announced that a steamship, supposed to be the Royal Standard, from Liverpool, fifty-two days out, was in sight. Late in the evening rumors were in circulation to the effect that the vessel seen was a confederate war ship, called the Shenandoah.

On the morning of the 26th I learned from the papers that the confederate ship Shenandoah had anchored in the port about dark the day before.

On coming to the consulate on the morning of the 26th of January, 1865, I found there the following named persons, all of the late American bark Delphine, burnt at sea on the 29th of December, 1864, and all claiming to be prisoners of war to the confederate steamship Shenandoah, and on parole not to communicate anything to the detriment of the confederate cause or that would lead to the capture of said ship, viz: William Green Nichols, master; E. T. Jones, first mate; E. P. Nichols, second mate; E. T. Lingo, steward; William Scott, carpenter; Charles Henning, Frederick Lindborg, and William Edstrom, seamen.

Being anxious to get a description of the vessel and her armament to send off in the mail, just then closing, I used every endeavor to procure it from the above persons, and at near one o'clock succeeded in getting enough information to enable me to send such description of said vessel to Mr. Adams, and also to our consul at Hong Kong, with a view of having a cruiser put on her track as soon as possible, which dispatches I sent on board the mail steamer then in the bay, the mail having closed at Melbourne, a copy of which is herewith inclosed, (No. 1.)

While I was taking Captain Nichols's testimony, which is inclosed, (No. 2,) I received a dispatch from the commissioner of trade and customs at 3.30 p. m., informing me that an application had been made to land certain prisoners from the confederate steamer Shanandoah, and wanting to know, for the information of the governor, whether I, as consul for the United States, would take care of and provide for them if landed. A copy of the dispatch is herewith inclosed, (No. 3.)

The November mail from Europe, which arrived here about the middle of January, brought the news that the Sea King had left England with the intention of being converted into a war vessel to cruise against our commerce. As soon as I had reason to believe that the Shenandoah and Sea King were one and the same ship, and that she had not entered any port since leaving England, I took the position towards the authorities here that she was not entitled to the rights of a belligerent as-contemplated in her Majesty's neutrality proclamation, and that she could not change her nationality at sea. I therefore, in answer to the dispatch of the commissioner of trade and customs, sent an answer direct to Sir Charles Darling, the governor, then at the government house, Toorak, about five miles off, a copy of which (No. 4) is herewith inclosed, and which was delivered and receipted for at 6.45 p. m. the same day.

On the 27th of January I continued the examination of the men from the Delphine, several of whom told me that all the captured men who had been induced to join said vessel had done so either after imprisonment and punishment, or to avoid it through threats, and that they believed they would all leave if I would protect them from arrest. I informed the men that I would protect all persons that had shipped under such circumstances from captured American vessels, and directed said men, if any such were seen ashore by them, to inform them of my determination, and direct them to me or come with them. I did this with the view of liberating the men, of reducing her crew, which was mostly made up of such impressed men, and of obtaining information that the men I then had would not give on account of their parole.

I also sent to the governor an argumentative dispatch, again protesting against said Sea King, (Shenandoah,) and maintaining that said vessel was in violation of her Majesty's proclamation, a copy of which is herewith inclosed, (No. 5.)

On the 28th I received a dispatch from C. J. Tyler, for private secretary, informing me that my dispatches of the 26th and 27th of January had been referred by the governor to his legal advisers, and that his excellency the governor would acquaint me with his decision after he had received the advice of the attorney general, a copy of which is herewith inclosed, (No. 6.)

After receiving the above, I forwarded to the governor a dispatch of same date, stating that evidence was daily accumulating in my office in support of the several protests I had sent him, and calling his attention to special reasons why said vessel should not receive the treatment of a belligerent, and protesting against the aid and comfort and refuge now being extended to said vessel, a copy of which is herewith inclosed, (No. 7.)

Being under the impression that the governor of New South Wales was still governor general of all the Australian colonies, I sent to Mr. Leavenworth, our consul at Sydney, a dispatch, a copy of which (No. 8) is herewith inclosed, inclosing therein copies of the correspondence with the authorities here, and urging him, if my impressions in regard to the governor generalship were correct, to lodge protests in support of mine with the governor general there. I find I was mistaken; the governors are independent of each other.

On the 30th of January I received a dispatch dated Private Secretary's Office, January 30, informing me that his excellency the governor had received my communications of the 26th, 27th, and 28th of January, and advised with the Crown law officers thereon, and that "his excellency the governor has come to the decision that, whatever may be the previous history of the Shenandoah, the government of this colony is

bound to treat her as a ship of war belonging to a belligerent power," a copy of which is herewith inclosed, (No. 9.)

I immediately entered a protest in the name of the United States against the decision of the government of Victoria, a copy of which is herewith inclosed, (No. 10.)

After receiving this decision of the governor, thus closing all arguments and hopes as to the vessel being stopped in her career by the governor, I consulted with several American merchants here, and decided to try to indict her in the admiralty court. With this view I employed Messrs. Duffett, Grant & Woolcott, solicitors, who became acquainted with sundry affidavits and witnesses at my command.

On the 1st of February a debate arose in the colonial legislature respecting the Sea King, (Shenandoah,) in which the chief secretary seemed to think there was no proof of said vessel being the Sea King. My solicitors considered there was abundant evidence, and that it should be laid before the Crown law officers, which I authorized them to do. I therefore accompanied Mr. Duffett, of the said firm, to the Crown law officers, where he left the affidavits of Messrs. L. L. Nichols, (No. 11,) William Bruce, (No. 12,) and John H. Colby, (No. 13.) The minister of justice and the attorney general were absent, and the above affidavits were left with the chief clerk, Mr. Chomley.

On the 3d of February Mr. Duffett, of the above firm, wrote to the attorney general as per inclosure (No. 14.)

On the 4th of February I was informed, as per inclosures Nos. 15 and 16, that on Monday, February 6, the law officers would be glad to see me in relation to said vessel. At the appointed time, in company with Mr. Duffett, and supported by Mr. J. B. Swasey, a loyal American merchant of this city, I repaired to the offices named, where the case of the Sea King (Shenandoah) was discussed with the minister of justice and the attorney general. During the interview I requested Mr. Duffett to read the affidavit of George Silvester, late a seaman on the Laurel, and fireman on the Sea King, (Shenandoah,) (No. 17,) and Mr. Duffett left with the attorney general the affidavits of Edward S. Jones, (No. 18,) James Ford, (No. 19,) George R. Brackett, (No. 20,) Charles Bolin, (No. 21,) John Sandall, (No. 22,) William Scott, (No. 23,) Frederick Lindborg, (No. 24,) and he withdrew the declaration of Mr. L. L. Nichols, (No. 11,) left on the 2d of February, and substituted for it an affidavit of the same person, (No. 25.) After much discussion, both these gentlemen seemed to admit that the Sea King (Shenandoah) would be liable to seizure and condemnation if found in British waters; but would not admit that she was liable to seizure here, unless she violated the neutrality proclamation while in this port, and if she did they would take immediate action against her.

Finding that I could not proceed in the admiralty court, I continued to take what evidence I could get and forward it to the governor; and on the 9th of February I addressed to him a dispatch, in which I sent a list of the affidavits left at the Crown law offices, a copy of which (No. 26) is herewith inclosed.

On the 10th of February, 1865, I sent to the governor a dispatch inclosing the affidavit of John Williams, showing that persons were concealed on board said vessel, and others on duty on board, and wearing the uniform, which persons had come on said vessel in this port, a copy of which is herewith inclosed, (No. 27.)

On the 11th of February I received a dispatch from the Crown law officers, informing me that said John Williams *may* attend on Monday,

the 13th, at the Crown solicitor's office, a copy of which is herewith inclosed, (No. 28.)

On Monday, the 13th, I induced Mr. Samuel P. Lord, a loyal American merchant here, to accompany said John Williams and Walter J. Madden, who had given like testimony before me, to the Crown solicitor, to see that the testimony of said persons were properly taken. Just after his departure from the consulate with the above-named witnesses, two other sailors, named F. C. Behucke and Hermann Wicke, who said they left the Shenandoah only the day before, came to the consulate and gave substantially the same evidence. I immediately sent them with my clerk, Mr. Gage, to the Crown solicitor's office to support the charge of those already there. I then sent the governor a dispatch, inclosing the testimony of John Williams, (No. 29,) Walter J. Madden, (No. 30,) and Thomas Jackson, (No. 31,) a seaman on board the Laurel, and fireman on board the Sea King, (Shenandoah,) in support of my protests, a copy of which is herewith inclosed, (No. 32.)

At about 5 o'clock p. m. on the 13th an officer of the police, accompanied by a clerk from the Crown law offices, came to this consulate to obtain a witness to go on board said Shenandoah to identify the persons who had shipped in this port on board said vessel. I declined to let any of them go on board said vessel unless he would return them to this consulate, as I apprehended they might be seized as deserters, informing him that they were all impressed from American vessels. He gave me such a promise, and selected Walter J. Madden, who left this consulate in his charge.

On the 14th I received a dispatch from the governor's private secretary informing me that my dispatches of the 10th and 13th were received, and had engaged and continued to engage the earnest attention of the colonial government, a copy of which dispatch is herewith inclosed, (No. 33.)

On the same day I sent a dispatch to the governor, (No. 34,) inclosing the affidavits of F. C. Behucke, (No. 36,) and Hermann Wicke, (No. 35,) these being the two men I had sent the day before to the Crown solicitor, and whose affidavits I took after their return.

On the 14th of February Walter J. Madden returned, and informed me that the police were not allowed to search the ship the day before, and that two policemen went on board this morning and returned without making any arrests, and that he was dismissed for the present. He also informed me that the Shenandoah was then on the patent slip undergoing repairs.

On the evening of the 14th the town was full of rumors about the seizure of said vessel. About 5 o'clock I proceeded to Sandridge to ascertain if said seizure was made. Sandridge is opposite Williamstown, where the said vessel was, and in direct communication by a steam ferry-boat, and distant about three miles. While at Sandridge I was informed by a master of an English ship, who was boarded by the Shenandoah previous to her arrival here, and whose name I do not remember, that he was on board the Shenandoah an hour previous, drinking with the wardroom officers, when Captain Waddell came in with a printed paper in his hand and informed them that the ship had been seized; that he left, coming through the police then around said vessel, by giving his name and occupation.

On the morning of the 15th of February it was reported in the papers that the Shenandoah had been seized by the authorities; that four persons, endeavoring to escape from said vessel, were arrested; among them

was one "Charley," who had been named by all the witnesses as being on board and wearing the uniform of said vessel.

With a view of getting the governor to reconsider his decision as alluded to above, (No. 9,) and in answer to the arguments used by the Crown law officers at the interview I had with them before referred to, I forwarded to his excellency a dispatch, a copy of which is herewith inclosed, (No. 37.)

I received the same day a notice from the police department informing me of the arrest of four men, and desiring the attendance of some person to identify them, a copy of which is inclosed, (No. 38.)

I sent the four men who had given the information to identify the arrested men, who returned the same day, stating that "Charley" was among them, and that the others were also some of the persons referred to in their affidavits as being on board, and that their names were remembered when seen. These men also informed me that the prisoners were remanded, and that they were to appear the next day against them at the Williamstown police court. A few hours after, I heard that the ship was released.

In the evening, during the session of Parliament, the chief secretary announced that the government had issued no warrant, and that there had been no search; "that a warrant had been only issued for the arrest of one of their subjects, and that, being satisfied, they ought not to proceed to extremities in this matter." Permission was then given to the workmen to launch the ship, which had been forbidden.

On the 16th of February I had the men to attend at the police court in Williamstown, as required, as witnesses. Two of the prisoners were committed, one released on the ground that he was not a British subject, and the other remanded till next day.

While crossing the bay to the trial at Williamstown, on the 16th, I saw the Shenandoah taking in coal from a ship alongside; and Mr. McFarlane, emigration officer, a fellow-passenger, informed me that she was taking in two hundred tons of Scotch coal, in addition to the amount she brought here.

On the 17th of February I forwarded to the governor a dispatch calling his attention to the fact that the Shenandoah was a full-rigged sailing vessel, steam being only auxiliary, and to the amount of coal she had upon her arrival here, and the quantity I learned she was taking on board in this port, a copy of which (No. 39) is herewith inclosed.

The same day I learned that the remanded prisoner was also committed, and the four men held as witnesses, to appear at the March term of the court.

On the 17th I forwarded a dispatch to the governor, calling his attention to the affidavits heretofore forwarded him, showing that some ten to twenty persons had been shipped on board said vessel while in this harbor; also notifying him that I had forwarded to the attorney general the solemn declaration of Michael Cashmore, (No. 40,) a highly respectable citizen, to the same purport, and that I had also left with the attorney general a solemn declaration of J. B. Lydserff, (No. 41,) in relation to the sale of "prize" chronometers in this port by the officers of said vessel, and protesting against the vessel being allowed to leave this port with said persons on board, a copy of which (No. 42) is herewith inclosed.

On the evening of the 17th of February Andrew Forbes came to the consulate with the information that several persons were then on the wharf ready to go on board a vessel to join the Sea King (Shenandoah) beyond the jurisdiction of this port; that one of said persons, named

James Evans, had told him. Deeming the information important, and that no time was to be lost, I, in company with Mr. S. P. Lord, who was then in the consulate, took said Forbes with us to the Crown law offices to lodge the information, and was met by the Crown Solicitor coming out. Upon my application to take the information, he, in an offensive manner, positively declined, saying he wanted his dinner; that there were plenty of magistrates in town; that it was none of his business. He informed me that the attorney general and minister of justice were in Parliament, then in session. I then proceeded to the detective police office, and there was informed that if the affidavit of the man was taken before a county magistrate they would execute his warrant. I then went to Parliament house and called out Mr. Higginbotham, the attorney general, who said that if I would go to Mr. Sturt, he would take the affidavit. I then went with the witness to Mr. Sturt, more than a mile off, who declined to take it, and who said the water police were the proper authorities to act. The water police are at Williamstown, across the bay, and about four miles from Mr. Sturt's. I then took the testimony, which is No. 43, at my office, and dispatched it by Mr. Lord to the attorney general, and started with the witness to Williamstown. When the witness found he had to go among his acquaintances he was afraid of bodily harm, and refused to proceed.

During the night several persons endeavored to find me to give information of the shipment of men for said vessel. One Robbins, a master stevedore, found me at 11 o'clock p. m., and informed me that boat loads of men with their luggage were leaving the wharf at Sandridge and going directly on board said vessel, and that the ordinary police-boats were not to be seen on the bay. I informed said Robbins that Mr. Sturt, police magistrate, told me the water police were the proper persons to lodge any information with, and that he, as a good subject, was bound to inform them of any violation of law that came under his notice, which he promised to do.

On the morning of the 18th of February, at about 7 o'clock a. m., the said Shenandoah left her anchorage and proceeded to sea unmolested.

I forwarded to the governor the affidavit of said Forbes, (No. 43,) inclosed in a dispatch, a copy of which is annexed, (No. 44.)

On this day I received a reply from the private secretary, dated the 17th of February, relating to the supply of coal, a copy of which (No. 45) is herewith inclosed.

I learned that the Shenandoah was inquiring for a pilot acquainted with the Australian waters, and I dispatched to the vice-consul at Hobart Town information to that effect, a copy of which is herewith inclosed, (No. 46.)

On the 18th of February the aforementioned Mr. Robbins called at the consulate and informed me that six boat-loads of men left the wharves with their luggage during the previous night, and that they were taken on board said vessel through the propeller hoist-hole. When asked to give his affidavit, he said as the officials would take no notice of it he would only injure his business by so doing, and he declined. He stated that about seventy men went on board said vessel on the night of the 17th of February, and that some of them took and used his boat to go in.

Captain Sears, of the American bark Mustang, was on the wharf watching, who informs me that he saw several boat-loads of men with luggage go to said vessel while lying in the bay, and that he also saw said Robbins go to the police.

On the 20th I received a dispatch from the private secretary of the

governor, dated same day, in answer to my dispatch of the 15th of February, a copy of which (No. 47) is herewith inclosed.

On the 20th I requested, in writing, Mr. S. P. Lord to give me an account of my interview with the Crown solicitor, referred to above. I inclose herewith a copy of said request, (No. 48,) as well as his answer thereto, (No. 49.)

On the 22d I received a dispatch from the private secretary's office, dated the 21st of February, in reply to my complaint of the 18th of February, alluded to above, a copy of which is herewith inclosed, (No. 50.)

In recapitulating the above I leave the documents to speak for themselves, convinced that they will meet with the interpretation they deserve.

It will be for you to consider whether the Sea King (Shenandoah) was hastily and illegally recognized as a war vessel of a belligerent power, (coming as she did, armed, from one British port to another, with the marks of her identity still upon her,) and allowed to depart again to renew her depredations on the commerce of a power friendly to Great Britain. It will be for you to consider whether the shipment of arms and ammunition in Liverpool on board the Laurel, to be put on board the Sea King on the high seas, as borne out by the affidavits of Silvester and Jackson, is in accordance with international law and treaty obligations, and her Majesty's neutrality proclamation.

The department will not fail to perceive that with the sworn testimony of four persons before the authorities here, to the effect that some ten to twenty persons were shipped in this harbor on board said vessel, and were rationed from her stores, and a part of them, at least, on duty on board in uniform, said vessel was nevertheless allowed to depart.

The attention of the department is especially called to the interview alluded to above, at page 9, [February 15th,] with the Crown law officers, to the effect, that if the said ship was found violating the neutrality proclamation in this port they would take immediate action against her.

A dispatch from the Crown law officers above referred to, and No. 28, alludes to supporting a charge against certain persons and officers of the Shenandoah. The police examinations took place, as stated, on the 16th and 17th February, instant, at which three men were committed for trial; and yet, at the very time these commitments were being made, the officers who thus violated the neutrality of this port were on board the ship, within a mile of the said court, unmolested, and the ship was allowed to take in the additional quantity of coal mentioned hereinbefore. A printed report of the investigations of the persons referred to, cut from the Melbourne Argus, is herewith inclosed, (No. 51.)

These commitments do not seem to have stimulated the authorities to any vigilance in regard to the said ship, otherwise boat-loads of men could not have joined her on the night of the 17th–18th instant, as stated above, and confirmed by the extracts taken from the three Melbourne daily papers of the 20th instant, herewith inclosed, and numbered 52.

What motives may have prompted the authorities, with evidence in their possession as to the shipment of large numbers of persons on board said vessel, substantiated by the capture and commitment of some escaping from said ship, to allow the said vessel to continue to enjoy the privileges of neutrality in coaling, provisioning, and departing, with the affidavits and information lodged and not fully satisfied, I am at a loss to conceive. Was it not shown and proved that the neutrality was violated? And yet she was allowed her own way unmolested, thus enabling her to renew her violations of neutrality on a larger scale.

There are eyes that do not see and ears that do not hear, and I fear that this port is endowed with such a portion of them as may be required to suit the occasion; for in what other way can my unsuccessful attempts to obtain the assistance of the authorities on the evening of the 17th instant be explained?

The immunities I enjoyed on this occasion, as United States consul, were of a peculiar nature. Instead of being assisted by the authorities, I was only baffled, and taught how certain proceedings could not be instituted.

I send by this mail a file of the Melbourne Argus, Age, and Herald, the three daily papers of this city, during the time of the stay of the Shenandoah in this port, a careful examination of which will be necessary to obtain a complete view of what transpired in this place in relation to said ship and her officers. I also send the Melbourne pictorial papers, giving a picture of said vessel, and some of the scenes on board of her.

I herewith inclose, in No. 53, extracts cut from said papers in support of some of my statements, which I deem essential to be read in connection with this dispatch, for fear the papers sent by mail may not arrive in time, among which will be found the correspondence between the officials here and the officers of said vessel.

I also forwarded to the governor of the colony affidavits of Edward P. Nichols, second mate of late bark Delphine, (No. 54,) of E. T. Lingo, steward on board late bark Delphine, (No. 55,) and of Mary Lingo, (No. 56,) stewardess on late bark Delphine.

I close by informing the department that James Francis Maguire, late United States consul here, as far as I could see and learn, acted as counsel for the vessel and her officers.

I have the honor to be, sir, your obedient servant,

WM. BLANCHARD,
United States Consul at Melbourne.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Inclosure No. 1.]

Mr. Blanchard to Mr. Adams.

MELBOURNE, *January* 26, 1865.

SIR: The mail to Europe being about to leave, I hasten to inform you that a confederate steamer named Shenandoah has made her appearance in this port this morning. I beg to inclose extracts of papers.

Some prisoners on board, who are now being liberated, and now in the consulate, give the following particulars respecting her:

She was the original Sea King; sailed from London on the 8th October, 1864, and received ammunition from a ship named Laurel, at sea. Part of the name Sea King is still visible, and I shall obtain of these particular letters a photograph. She is represented to have been built at Glasgow, and water-buckets, spoons, forks, &c., are marked Sea King. She is a wooden ship with iron frame, but not plated. Her armament is eight guns, viz: four 8-inch shell guns, two on each side, unrifled; weight of guns about 2 tons 15 cwt.; guns bear numbers 11,522, 11,523, 14,524, 11,525; these guns are not breech-loaders. Two rifled guns, about 5-inch bore, one on each side. Two ordinary 12-pounders, the original ship's guns.

She has the appearance of an ordinary merchant ship, with long, full poop; a large bright wheel-house, oval sky-lights on the poop; she has one telescope funnel; the mizzen-topmast and topgallant staysail both hoist from the mainmast head; she is wire-rigged.

The officers on board declare that it would not be safe to fire a broadside. It is the general impression that she is not a formidable vessel. She is leaky, and requires two hours' pumping out. The crew consist of seventy-nine, all told.

I have the honor to be, sir, your obedient servant,

WM. BLANCHARD,
United States Consul.

Hon. CHARLES FRANCIS ADAMS,
United States Minister, London.

(Copy of the above also sent to United States consul at Hong Kong.)

[Inclosure No. 2.]

Protest of Captain Nichols.

I, the undersigned, William Green Nichols, of Searsport, United States, formerly captain of bark Delphine, of Bangor, Maine, United States, do hereby solemnly declare on oath, that said bark was of 705 tons register; that on the 12th October, 1864, she sailed from Gravesend, England, under my command, with a crew of fifteen, and two passengers, (wife and child;) that said bark was bound for Akyab, with cargo of machinery, and that until 29th December, 1864, nothing unusual occurred; that on said 29th December last, latitude south 39° 20′, longitude east 69°, I was fallen in with by a ship showing English colors for about half an hour while approaching; I showed American colors in reply. The ship, on approaching, proved to be a steamer, with a telescope funnel, under sail. She fired a blank shot, upon which I immediately hove to, she hoisting the confederate flag after firing the gun; that immediately after the gun was fired the confederate flag was hoisted on said steamer, and on my ship, Delphine, being boarded, I was taken, with my mate and ship's papers, on board said steamer called Shenandoah; that on examining said papers, the captain of the aforesaid steamer, James J. Waddell, declared the ship under my command as a prize; granted to me permission to remove the wardrobe of self and family, (consisting of wife and child,) but allowed me to take nothing else; that the crew were allowed the same privileges with the exception of their bed; that I, my wife and child, as well as mate, were taken on board said steamer as prisoners, but paroled; whereas such part of crew as would not join the steamer were put in irons; that above-named ship Delphine was then ransacked and set on fire by crew of said steamer; that I declared to the captain of said steamer the value of the ship Delphine as being about £3,500, (three thousand five hundred pounds sterling;) that outfits, loss of freight and wages, which amount to about £3,000, (three thousand pounds,) were not included in the above amount; that immediately on being taken on board I was paroled, and on 23d instant a new parole was demanded from me, in order to enable me to be released on reaching land; that to-day, the 26th January, 1865, I was released in Hobson's Bay, under parole, which enjoins upon me not to give any information which might tend to the injury of the said steamer, or to the detriment of the so-called confederate cause; that, not for want of loyalty towards the United States, but in consequence of wishing not to violate said parole, I decline

divulging anything as to her armament, &c.; that the knives, forks, spoons, &c., in the use of the said steamer bore the mark Sea King, and I heard the captain say that she was formerly the Sea King; that he, with officers, took charge of her at Madeira, or the Isle of Deserta, and sailed with an original crew of (17) seventeen men.

WM. G. NICHOLS,
Late Master of Bark Delphine, of Bangor.

MELBOURNE, *January* 26, 1865.

Subscribed and sworn to before me this twenty-sixth day of January, 1865.

WM. BLANCHARD, *Consul.*

When making the statement as to the value of the ship, I thought that, on account of having British property on board, he might bond the ship and let her go, and I wished to have the bond as small as possible, not that I consider the amount above mentioned the value of the ship; neither did I include my private property on board, nor the property of the officers and crew.

WM. G. NICHOLS,
Late Master of Bark Delphine.

FEBRUARY 10, 1865.

WM. BLANCHARD,
United States Consul.

[Inclosure No. 3.]

Mr. Francis to Mr. Blanchard.

CUSTOM-HOUSE, MELBOURNE,
January 26, 1865.

SIR: I am desired by his excellency the governor to inform you that an application has been made to land certain prisoners from the confederate steamer Shenandoah, now in this port, and I am to request that you will be good enough to inform me, for the information of Sir Charles Darling, whether you are willing to undertake to receive and provide for, on behalf of the government whom you represent, the prisoners above referred to.

I am to request the favor of an early reply to this communication.

I have the honor to be, sir, your obedient servant,

JAS. G. FRANCIS,
Commissioner of Trade and Customs.

WM. BLANCHARD, Esq.,
Consul for the United States of America.

(Received and receipted for at 3.30 p. m., January 26, 1865.)

[Inclosure No. 4.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 26, 1865.

SIR: I have the honor to acknowledge the receipt of a dispatch from the honorable the commissioner of trade and customs, dated to-day, (D.

63, 59,) and in reply beg leave to acquaint your excellency that, previous to its reaching me, at half-past 3 o'clock p. m., I had made provision for the master, crew, and passengers, already landed, of the United States bark Delphine, (the persons presumed to be referred to in said dispatch,) burnt at sea by a piratical vessel called the Shenandoah, ex-Sea King.

I avail myself of this opportunity to call upon your excellency to cause the said Shenandoah, *alias* Sea King, to be seized for piratical acts, she not coming within her Majesty's neutrality proclamation—never having entered a port of the so-styled Confederate States of America for the purposes of naturalization, and consequently not entitled to belligerent rights.

The table service, plate, &c., on board said vessel bear the mark Sea King, and the captain should bring evidence to entitle him to belligerent rights.

I therefore protest against any aid or comfort being extended to said piratical vessel in any of the ports of this colony.

I have the honor to be your excellency's most obedient servant,

WM. BLANCHARD,
Consul for the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Colony of Victoria.

(Delivered and receipted for at 6.45 p. m., January 26, 1865, at Toorak, governor's residence.)

[Inclosure No. 5.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 27, 1865.

SIR: The undersigned, consul of the United States of America at the port of Melbourne, begs, most respectfully, to call the attention of your excellency to the armed cruiser (referred to in his note of yesterday) now at anchor in Hobson's Bay, and reported to be a vessel of the so-styled Confederate States of America.

It must be evident to your excellency that, notoriously, all the presumptions of fact and law are against the probabilities of the legal character of the vessel in question, and it is not necessary for the undersigned to more than suggest to your excellency the ease with which any lawless rover of the seas may assume any character designed to effect his purposes.

When, in this case, the actual circumstances are duly considered, having reference, on the one hand, to the present condition of the so-styled Confederate States of America, and on the other to the frequent violations in her Majesty's ports of the laws of neutrality, especially of the well-known facts proclaimed respecting this very vessel before her arrival, there would scarcely seem to remain a doubt as to her real character here, for the first time appearing in her new pretended nationality, coming from nowhere, bringing in no prizes, destroying, without adjudication and without necessity, all property seized, regardless of ownership; leaving, inhumanly and against the law of nations, large numbers of captives upon a desert island; having in all parts of her, and in the remains of half-erased letters, numberless *indicia* of her genuine nationality. The undersigned will not doubt that, not only in the interest of justice and the safety of universal commerce on the seas, but also in

vindication of the honor and dignity of her Majesty's government, too long contemptuously disregarded by those who, seeking asylum under it, only abuse an honorable hospitality to violate its laws and insult its sovereignty, your excellency will give so much weight, and no more, to a bit of bunting and a shred of gold lace as they deserve. That your excellency will well assure yourself that those presumptuously lawless men, audaciously entering this port upon pretenses of necessity, always so easily made, but really that information may be got and new enterprises hence successfully executed, be really what they claim, and truly entitled to the immunities secured to belligerents; that the commissions, if any, exhibited, be genuine; the bearers thereof the persons authorized to bear them; their documents, if any, showing the character of the vessel worthy of credence, and the acts committed such as ought to receive the favorable countenance of a great and magnanimous power; in fine, whether the crew and vessel are lawfully entitled to the privileges accorded, under the laws and by virtue of her Majesty's proclamation, to a real belligerent; or whether, on the contrary, the crew be not amenable to punishment and the vessel to seizure.

And never doubting the anxious desire of your excellency to maintain a strict neutrality, the undersigned feels assured that he will not be misunderstood nor his conduct be deemed too officious when the peculiar facts of this present case are duly considered. Now, for the first time, action by this government in the nature of a precedent is to be established respecting the status to be accorded to a vessel, here first appearing and claiming a warlike character, suddenly, without notice, under circumstances of the gravest suspicion. The undersigned will be pardoned if the gravity of the case, in his opinion, makes him feel it to be his duty to urge upon your excellency the greatest caution; that not upon mere assertion of so-called officers, but after the severest scrutiny, it should be determined if this vessel and crew are entitled to the rights of belligerency, or whether the vessel should not be detained until the facts can be duly investigated.

Wherefore, the undersigned, relying upon the vigilance of your excellency, in a case of so much and so pressing importance, protests against the said vessel called the Shenandoah, *alias* Sea King, her so-styled officers and crew; that from evidence already taken by him, as well as from the facts patent and notorious to all, the legal presumptions are, in this case, against any just claim to the rights of a belligerent; and that in the interests of justice, commerce, the comity of nations, and impartial observance of her Majesty's proclamation of neutrality and of imperial law, this important right, here now, under new and peculiar circumstances, in the case of this vessel first sought to be established, be most rigidly examined, lest, under flimsy pretenses of necessity, the ports and coasts of her Majesty's dominions be unguardedly thrown open to afford lawless and unauthorized marauders cover and bases for new and piratical enterprises against the citizens of a friendly power, their lives and property; and not only so, enterprises fraught with danger to the interests of her Majesty's subjects, and in direct encouragement of the most audacious violations of the laws of humanity and of nations; lest, finally, new claims and additional and serious complications unfortunately arise between her Majesty's government and the government of the United States.

I have the honor to be your excellency's most obedient servant,

WM. BLANCHARD,
Consul for the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of the Colony of Victoria.

[Inclosure No. 6.]

Mr. Tyler to Mr. Blanchard.

TOORAK, *January* 28, 1865.

SIR: I am directed by his excellency the governor to acquaint you that your letter of the 27th instant was immediately referred by his excellency for the consideration and opinion of the legal advisers of his government, and that the same course has been pursued with your letter of yesterday's date, protesting against the claim to the rights of a belligerent of the vessel now lying in Hobson's Bay, called the Shenandoah. His excellency will not fail to acquaint you with his decision after he shall have received the advice of the attorney general.

I have the honor to be, sir, your most obedient servant,

C. J. TYLER,
A. D. C. for Private Secretary.

The CONSUL *for the United States of America.*

[Inclosure No. 7.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 28, 1865.

SIR: I am in receipt of a communication from C. J. Tyler, esq., your excellency's aide-de-camp, dated to-day, informing me that your excellency has submitted my dispatches of the 26th and 27th January, instant, to the consideration of your legal advisers, and that your excellency's decision, when made, will be forwarded to me.

Evidence being daily accumulating in this office in support of the reasons for the protests I had the honor to forward to your excellency, I now beg leave to call your attention specially to the following:

1. That the Sea King, *alias* Shenandoah, now in this port and assuming to be a war vessel, is a British-built ship, and cleared from a British port as a merchantman, legally entering no port until her arrival here, where she assumes to be a war vessel of the so-styled Confederate States; that any transfer of said vessel at sea is in violation of the law of nations, and does not change her nationality.

2. That inasmuch as her Majesty's neutrality proclamation prohibits her subjects from supplying or furnishing any war material or ship to either belligerent, this vessel, having an origin as above, is not entitled to the privileges accorded to the belligerents by said proclamation.

3. That being a British-built merchant ship, she cannot be converted into a war vessel upon the high seas of the so-styled Confederate States, but only by proceeding to and sailing in such character from one of the ports of the so-styled confederacy.

4. That it is an established law that vessels are to be considered as under the flag of the nation where built until legally transferred to another flag.

5. That said vessel sailed as an English merchant ship from an English port, and cannot, until legally transferred, be considered a man-of-war.

6. That, not being legally a man-of-war, she is but a lawless pirate, dishonoring the flag under which her status is to be established and under which she decoys her victims.

7. That her armament came also from Great Britain, in English vessels, (the Laurel and Sea King, now Shenandoah,) both of which cleared under British seal, or, if without it, in violation of established law.

8. That, as such, she has committed great depredations upon ships belonging to citizens of the United States, making her liable to seizure and detention and the crew guilty of piracy.

I cannot close this without further protesting, in behalf of my government, against the aid and comfort and refuge now being extended to the so-styled confederate cruiser Shenandoah in this port.

I have the honor to be your excellency's most obedient servant,

WM. BLANCHARD,
United States Consul.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 8.]

Mr. Blanchard to Mr. Leavenworth.

UNITED STATES CONSULATE,
Melbourne, January 28, 1865.

DEAR COLLEAGUE: You have been acquainted, by telegraph, of the appearance of a ship (screw steamer) assuming the name Shenandoah, and claiming the rights of belligerency from Victorian authorities.

I have forwarded to the governor, Sir Charles Darling, two dispatches respecting it, and I beg to inclose copies of documents that have been exchanged between the authorities here and the consulate, viz:

1. Dispatch of commissioner of trade and customs respecting prisoners to be provided for.

2. Reply to the above and protest against granting any rights of belligerency.

3. Dispatch argumentative aiming to prove that belligerent rights cannot be accorded.

4. Acknowledgment of receipt of above dispatches 2 and 3, showing that protests are under consideration.

Her Majesty's government being represented in Sydney by a governor who is at the same time governor general of all Australian colonies and commander of all Australian waters, thus overruling all other governors of her Majesty's government in these dominions, I respectfully suggest to you the propriety and necessity of lodging a solemn protest in support of my protests here, showing such reasons as you deem expedient to induce his excellency to issue orders in all colonies to seize said vessel as a pirate, and in no way to grant to her belligerent rights.

In stating that your governor is governor general, I have no authority just now at hand (being in haste and mail closing) to see that I am really correct, and it is therefore for you to decide whether my intentions can be carried out.

You are thus acquainted with all the facts relating to this piratical craft and to the grounds I have taken against her, and I rely upon your hearty and vigorous co-operation.

I have the honor to be, dear sir and colleague, yours, respectfully,

WM. BLANCHARD,
United States Consul, Melbourne.

E. LEAVENWORTH, Esq.,
United States Consul, Sydney.

[Inclosure No. 9.]

Mr. Tyler to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
Melbourne, January 30, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and to acquaint you that, having fully considered the representations contained in that communication and in your previous letters of the 26th and 27th instant, and advised with the Crown law officers thereon, his excellency has come to the decision, that, whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship of war belonging to a belligerent power.

I have the honor to be, sir, your most obedient, humble servant,

C. J. TYLER,
For Private Secretary.

WILLIAM BLANCHARD,
United States Consul.

[Inclosure No. 10.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 30, 1865.

SIR: I have the honor to acknowledge the receipt of a dispatch, signed "C. J. Tyler, for the private secretary," dated "Private Secretary's Office, January 30, 1865," informing me that after full consideration of my several dispatches, dated, respectively, the 26th, 27th, and 28th instant, and after advice of the Crown law officers, your excellency has come to the decision that, whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship of war belonging to a belligerent power.

As consul of and on behalf and by authority of the United States of America, I hereby solemnly protest against the decision of the government of Victoria, as communicated to me in the above-mentioned dispatch. And I further protest, as consul aforesaid, against the government of Victoria allowing the said piratical craft Shenandoah, *alias* Sea King, to depart from this port, thus enabling her to renew her depredations upon shipping belonging to the citizens of the United States of America. And I hereby notify your excellency that the United States government will claim indemnity for the damages already done to its shipping by said vessel, and also which may hereafter be committed by said vessel Shenandoah, *alias* Sea King, upon the shipping of the United States of America, if allowed to depart from this port; that the said vessel is nothing more than a pirate, which the nation whose vessels she robs and destroys has a right to pursue, capture, or destroy in any port or harbor in the world.

I have the honor to be, sir, your most obedient servant,

WM. BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 11.]

Testimony of Lillias L. Nichols.

I, the undersigned, Lillias L. Nichols, wife of William Green Nichols, late master of the bark Delphine, on board of which I was a passenger, do solemnly declare:

I was taken prisoner, together with my husband, and conveyed on board the Shenandoah, and have been kept on board until the vessel reached Hobson's Bay, where I was at liberty to leave. While on board I noticed that the plate in use was engraven "Sea King," and I have frequently been told by the captain and others on board that the vessel was formerly the Sea King, which sailed from London in October, having on board the first lieutenant of the Shenandoah. I was also told by Mr. Bullock, the sailing-master, that the Laurel conveyed Captain Waddell and the other officers from England to the rendezvous with the Sea King, off Madeira. I was also told by the captain that the armament which is now on board the Shenandoah was brought out from England in the hold of the Laurel, packed in boxes.

LILLIAS L. NICHOLS.

Subscribed before me on this first day of February, 1865.

WM. BLANCHARD,
United States Consul.

[The above affidavit was withdrawn and inclosure No. 25 substituted. See Mr. Blanchard's letter to Mr. Seward transmitting these affidavits, *ante.*]

[Inclosure No. 12.]

Testimony of William Bruce.

I, William Bruce, at present of the city of Melbourne, in the colony of Victoria, make oath and say:

1. That I am a naturalized citizen of the United States of America, and reside at No. 316 Broadway, Williamsburg, New York State. On or about the 3d day of October, 1864, I shipped on board the bark Helena, Captain Staples, then lying in Newport dock, in the county of Monmouth, in that part of the United Kingdom of Great Britain and Ireland called Wales, as cook and steward.

2. That on or about the 4th day of October, in the year aforesaid, the said bark sailed from Newport aforesaid to Buenos Ayres, in the republic of Buenos Ayres, South America, laden with a cargo of railway iron and other sundries, under the command of the said Captain Staples.

3. That the said bark Helena was an American ship, belonging to Searsport, Maine, United States of America.

4. That no incidents of importance occurred in the said voyage, until, on or about the 29th day of October, 1864, when the said bark was within three days' sail of Madeira, a sail was descried astern by me, and I reported the fact to Captain Staples, and about two hours afterwards I was enabled, with my naked eye, to see that she was a steamer flying English colors.

5. That on the following day the same steamer, at about half-past 1 o'clock in the afternoon, under steam and flying the English flag, came on our lee quarter, and on the said bark displaying the colors of the

United States of America, the said steamer fired a blank shot towards the said bark and hoisted the flag of the so-called Confederate States of America.

6. That the said bark was thereupon hove to, and a boat left the said steamer with eight persons therein, including three persons who represented themselves as officers of the said steamer, who came on board the said bark and ordered the said Captain Staples and the chief officer, Mr. Peterson, in my hearing, to take the papers of the said bark with them and go on board the said steamer, and to look sharp, because another sail was in sight, and that they, the said captain and chief officer, were prisoners of war, and that the said bark was a prize to the confederate ship Shenandoah. And thereupon the said Captain Staples and Chief Officer Peterson left the said bark in the said boat in charge of one Hunt, the master's mate on board the said steamer called the Shenandoah, and proceeded on board the said steamer, two others, namely, —— Bullock, sailing-master, and —— Mason, passed midshipman, representing themselves as of the aforesaid ranks on board the said steamer called the Shenandoah, remaining on board the said bark, and ordered the crew of the said bark to lower away the sails, which they did; and after the expiration of about half an hour the said Captain Staples and chief officer left the said steamer in the said boat, under the charge of the said Hunt, accompanied by another boat with about eight persons, (among whom was the carpenter of the said steamer Shenandoah, who told me his name was O'Shea, and that he was a citizen of New York, United States of America,) and came on board the said bark, and the said Bullock gave orders to the crew of the said bark to pack up their clothes and go on board of the Shenandoah, meaning the said steamer, and told me to take all my cooking gear on board the said steamer.

7. That, in pursuance of the said order, the said crew and myself went on board the said steamer in one of her boats, (the said Captain Staples and Chief Officer Peterson having been previously sent on board,) and in getting on board the said steamer were ordered to give up our clothes, which we did.

8. That after going on board the said steamer, I and Louis Monrose and Peter Monrose, two of the crew of the said bark, were ordered by the said Bullock again to go on board the said bark and break open the stores of the said bark, which we did; and the said stores, and also some slop clothes and the said bark's instruments, were put on board the said steamer; and the said O'Shea, the carpenter of the said steamer, ordered the said Louis and Peter Monrose to assist him in scuttling the said bark, and I saw the said parties go down the hold, taking augers with them, and make holes in the said bark with said augers, and after they had done so, I and the said Louis Monrose and Peter Monrose were ordered to leave the said bark and go on board the said steamer; and when I got to the gangway of the said steamer I was asked by the paymaster of the said steamer, one Smith, in the presence of the said Captain Staples, if I would join the said steamer Shenandoah as ship's cook, and he told me that one of my shipmates had already joined, and that it would be better for me to join, and I thereupon told him that I would not join, as I wished to go to Moulmein to see my mother, to which he replied, "Pity you were not in your mother's arms;" and about half an hour after I had been on board the said steamer I saw the said bark sink, and on that night I was put in irons, and on the following day, namely, on or about the 31st day of October, 1864, the captain of the said steamer Shenandoah, one Waddell, said to me, "You might as well make up your mind to join," to which I replied that I had no idea of

joining; and the said Waddell thereupon said to me that, if I would join, he would put me, in ten months' time, wherever I wanted, and I again refused to join, when the said Waddell said, "You will be sorry for it."

9. That on or about the 1st day of November, 1864, one Whittle, the first lieutenant of the said steamer, said to me, "Have you made up your mind to join?" To which I replied that I had not, and he thereupon said, "You will be sorry for it, and you will be put in irons at night and made work all day;" and in consequence of my again refusing to join I was sent to work in the galley with the ward-room cook of the said steamer, and at night was put in irons.

10. That on or about the 3d day of November, 1864, I was ordered to continue assisting the ward-room cook, and continued assisting him until on or about the said 10th day of November, 1864, each night being put in irons; and on or about the said 10th November I was called by the said Whittle aft, and he then said to me, "Steward, you might as well join; it will be better for you." And I thereupon, in consequence of being ironed every night, made work during the day, and pushed about and abused by the crew and officers, consented to join, and subscribed a document agreeing to serve as ward-room steward; and I acted as ward-room steward on board the said steamer thereafter until the 1st day of January, 1865, when, in consequence of being sick, I was let off duty, and remained off duty until the said steamer Shenandoah arrived in Hobson's Bay, on the 25th day of January, and on the 28th January, 1865, I left the said steamer and placed myself under the protection of the consul of the United States of America at Melbourne.

11. That during the time I was on board the said steamer Shenandoah I was told by the ward-room cook, one Marlon, a native of the Isle of Man, that he shipped on board the Laurel steamer from the Sailors' Home, Liverpool, to go to Nassau, and that when he came to a bay at the back of Madeira, where the Laurel went to look for the steamer Sea King, and after three days looking for her the Sea King arrived and made signals to the Laurel, and the two steamers came together, and, with the help of some fishermen, the ammunition was put on board the Sea King from the Laurel, and that the Sea King then went to the back of Destan Island, and the Laurel went to the front of the island and was chased by a vessel of war of the United States of America, and the Sea King sailed away in another direction, and that her name was then changed to Shenandoah. That I heard the fireman of the said steamer Shenandoah, one Jackson, a native of Liverpool, say that he came out in the Laurel together with Simpson, a native of Ireland; William ———, a native of Birkenhead; Jim, the ward-room boy, a native of Liverpool; boy Jones, steerage steward, a native of London; "Souwester," fireman, a native of London; also another man, a native of London, called "Cockney," to join the steamer Shenandoah; and all the said parties, at different times, told me that they left Liverpool to join the ship Sea King.

12. That one Guy, the gunner of the said steamer Shenandoah, and a native of Plymouth, or somewhere in the west of England, told the mate of the schooner Lizzie M. Stacey, taken as a prize, in my presence, that he shipped at London in the steamer Laurel to come out and join the steamer Sea King.

13. That among the officers and crew of the Shenandoah are the following persons, viz: O'Brien, head engineer; ———, third engineer; Jem ———, the fourth engineer; Simson, sailmaker; Jem ———, boatswain's mate; Crawford, gunner's mate; Bullock, sailing master, whom I have heard, at different times, remark "that we did not do so

(referring, at different times, to the working of the guns) on board the Alabama."

14. That the said Simson told me he was on board the Alabama at the time of her engagement with the Kearsarge, United States ship of war, and that he was a paroled prisoner.

15. That at the time I first was taken on board the Shenandoah I saw the bell of the said steamer marked or cut with the words Sea King, and also the stanchions had the words Sea King cut on them, and the words were subsequently filed out of the bell and scraped off the stanchions, and the table services and cloths of the said steamer were marked with the words Sea King up to the time I left her in Hobson's Bay, as aforesaid.

16. That after I was taken on board the said steamer Shenandoah, the following vessels were captured, namely: the Charter Oak, on or about the 5th day of November, 1864; the schooner Lizzie M. Stacey, bark de Godfrey, brig Susan, ship Kate Prince, bark Edward, and bark Delphine, and all the said vessels, with the exception of the Kate Prince, were either burnt or sunk.

17. That a number of persons taken as prisoners, amounting, in all, to twenty-five, were, on or about the 12th day of December, 1864, landed by the said steamer Shenandoah at Tristan d'Acunha, an island in the Atlantic Ocean, and there left by the said steamer.

WILLIAM BRUCE.

Sworn at the city of Melbourne, in the colony of Victoria, this 7th day of February, in the year of our Lord one thousand eight hundred and sixty-five, before me.

WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 13.]

Testimony of John H. Colby.

I, John H. Colby, of Liberty, Maine, United States of America, do solemnly declare and say, that I shipped in Boston, Massachusetts, on board the schooner Lizzie M. Stacey, bound for Honolulu, and sailed in said vessel on the 4th day of October, 1864. That on or about the 13th day of November, 1864, the said schooner was hove to by a blank shot from a steamship under both steam and sails; that I with the rest of the crew was ordered to pack up my things immediately and go on board said steam vessel by order of a person in uniform, who I afterwards found was acting as second lieutenant of said steam vessel; said lieutenant said that I was a prisoner of the Confederate States; that I with the rest of the crew of said schooner was then put on board of said steam vessel; that I asked said officer, before leaving the schooner, what was the name of said war vessel; that said officer replied, "name unknown;" that upon being taken on board of said steamer, I was put in irons for the night, and the next morning released, and they tried to force me to work, but I resisted. The first lieutenant then ordered me to be triced up by the thumbs, and by these and other coercive measures I was in time compelled to join the vessel in order to relieve myself from tortures and punishments. That I saw the name Sea King upon the bell, the wheel, the buckets, &c.; the name upon the wheel was after-

wards ground out, I turning the grindstone for that purpose; that the bell was taken by a person acting as carpenter's mate to the engine-room, and the name was there filed out. That if the bell and wheel were now examined, it would be clearly evident that a name on each had thus been erased. That I served on board said vessel until her arrival in Hobson's Bay, on the 25th January, 1865; that I came ashore on liberty on Monday, the 30th January, 1865. That while on board I learned the said vessel was called the Shenandoah.

JOHN H. COLBY.

Subscribed in duplicate before me, this second day of February, 1865.

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 14.]

Mr. Duffett to the Attorney General.

83 COLLINS STREET WEST, MELBOURNE,
February 3, 1865.

SIR: On Monday, the 2d instant, I attended at your chambers with Mr. Blanchard, the American consul, and left certain depositions (which he had caused to be taken) with your secretary, Mr. Chomley, for your perusal, with the view to establish that the Shenandoah is in fact the Sea King, &c.

Mr. Blanchard considered it to be his duty to place the depositions above referred to in your hands, so as to enable the government to take such steps in the matter as they may think necessary.

Mr. Blanchard has instructed me to state that he will, on hearing from you, be happy to attend you with the further evidence he has obtained in this matter.

I have the honor to be, sir, your most obedient servant,

JOSEPH G. DUFFETT

The Hon. ATTORNEY GENERAL.

[Inclosure No. 15.]

Mr. Chomley to Mr. Duffett.

No. 503.] CROWN LAW OFFICES,
Melbourne, February 4, 1865.

SIR: I am directed by the attorney general to acknowledge the receipt of your letter of the 3d instant, and to inform you that he has received and read the depositions in reference to the Shenandoah, and if Mr. Blanchard desires to see him, he will be glad to receive him on Monday next at 12 o'clock noon, at these offices.

I have the honor to be, sir, your obedient servant,

A. W. CHOMLEY, *Secretary.*

JOSEPH G. DUFFETT,
83 *Collins Street West, Melbourne.*

[Inclosure No. 16.]

Mr. Duffett to Mr. Blanchard.

83 COLLINS STREET WEST,
February 4, 1865.

DEAR SIR: The attorney general has written me, stating that he will be happy to see you on Monday next, at 12 o'clock, at the Crown law offices.

Yours faithfully,

JOSEPH G. DUFFETT.

WILLIAM BLANCHARD, Esq.

[Inclosure No. 17.]

Testimony of George Silvester.

I, George Silvester, at present of the city of Melbourne, in the colony of Victoria, able seaman, make oath and say:

1. That I am a native of London, England.

2. That on the 5th day of October, one thousand eight hundred and sixty-four, I signed articles as a seaman to proceed to Nassau or the Gulf of Mexico in the steamer Laurel, and on the following day I went on board the said steamer Laurel, then lying in the dock at Liverpool, and on the same day the said steamer Laurel went into the river Mersey, and while there I saw several cases on board as cargo which I subsequently saw opened.

3. That on the 8th day of October, 1864, at about 3 o'clock in the afternoon, (the said steamer Laurel then being in the Mersey,) I assisted in taking on board fifty-seven barrels of gunpowder, which was stowed in the said steamer Laurel, and after the said gunpowder was put on board, a steam-tug came alongside bringing with her all the officers and some of the crew that were on board of the steamship Shenandoah at the time of her arrival in Hobson's Bay, (except the first lieutenant,) who then came on board the said steamer Laurel as passengers; and the same night two steam-tugs came alongside the said steamer Laurel, and from them were put on board her a number of large cases, which I saw subsequently opened, and also shot and shell.

4. That I assisted in stowing the gunpowder put on board as aforesaid, and then saw several cases on board the said steamer Laurel, which I believe were put on board in dock, and which I subsequently saw opened on the Sea King steamer off Madeira and cannon taken out of them.

5. That on the 9th day of October, 1864, the said steamer Laurel sailed from the Mersey, and on the 14th of the said month arrived at Madeira, where she took in coal and remained there for three days, when on or about the 18th of the said month a steamer came in and signalized the Laurel.

6. That the said steamer Laurel hove her anchor and followed the said steamer, at the same time signalizing to stand in for, as I recollect, Funchal, which the said steamer did, and at about 3 o'clock in the afternoon the said steamer and the Laurel steamer were alongside each other, and I then saw that the said steamer was a steamer called the Sea King.

7. That at this time both vessels were flying the English flag, and the Sea King anchored and the Laurel fastened to her, and both hauled

down their flags, and Waddell and all the officers brought out in the Laurel steamer went on board the said steamer Sea King and took charge of her, and the Laurel's cargo was then transferred to the said Sea King steamer, the last of which was put on board on the morning of the 19th day of October, 1864, the crew having worked all night, when the confederate flag was hoisted on board the said Sea King steamer, and the said Waddell (who now commands the Shenandoah) then asked the original crew of the said Sea King to enlist for a cruise on board the Sea King, (the captain who brought out the said steamer Sea King having, as soon as the Laurel's cargo was transferred, gone on board the Laurel,) which they refused to do with the exception of four, namely, Martin, storekeeper, Hutchinson, engineer, W. Clark, coal-passer, Jones, engineers' steward, who enlisted with the said Waddell, and went on board the said steamer Sea King; and the said Waddell also enlisted several from among the crew of the steamer Laurel, and to such as joined paid them fifteen pounds sterling as bounty, and agreed to give them (the sailors) six pounds sterling per month for wages independent of prize money.

8. That the said Waddell said in my hearing "that he was going to wage war with the federals," and subsequently proceeded to sea, the crew of the Sea King who did not join being put put on board the Laurel.

9. That I saw the words Sea King on the buckets of the said steamer Sea King, on the life-buoys, on two bells, on boats, on the wheel and stanchions, and on the harness casks, when I joined her as aforesaid, and I heard that the said steamer Sea King was to be called the Shenandoah, and at different times on the cruise the said words Sea King were painted over on the boats, and were erased at different times from the said other parts.

10. That the steamship Shenandoah, now in Hobson's Bay, Victoria, is the steamer Sea King I joined as aforesaid.

11. That the bolts now used for fastening the guns of the Shenandoah were brought out by and transferred from the Laurel steamer to the Sea King.

12. That the said cases put on board the Laurel steamer, and by her transferred to the Sea King steamer off Madeira, as aforesaid, were afterwards opened on board the Sea King steamer, at this time called the Shenandoah, and cannon taken out therefrom; also carriages upon which they were mounted and put on deck of the said steamer Shenandoah, and are now there, and from others of the said cases shot and shell were taken and stored on board of the said steamer Shenandoah.

13. That the said gunpowder brought out by the Laurel steamer was put on board the Sea King steamer, afterwards called the Shenandoah as aforesaid.

14. That on the said cruise we fell in, on the 29th day of October, 1864, with the bark Alina, (with railway iron,) which was scuttled, and afterwards with the schooner Charter Oak, which was burnt; the bark De Godfrey, which was also burnt; the brig Susan, which was scuttled; the ship Kate Prince, which was bonded; the bark Adelaide, which was bonded; the schooner Lizzie M. Stacey, which was burnt; the whaling vessel Edward, which was burnt; and the bark Delphine, which was burnt.

15. That at the time the Sea King was left by the Laurel her whole crew, including officers, numbered twenty-three.

16. That the several seamen who joined the Shenandoah from prizes did so in order to avoid punishment.

17. That I am a naturalized citizen of the United States of America.

18. That when I first went on board the Sea King steamer from the Laurel there were two guns then on board of her, mounted, which were guns throwing about a sixteen-pound shot, and with these guns all the captures made by the Shenandoah were made.

19. That the said two guns were not brought out in the Laurel.

GEORGE SILVESTER.

Sworn at the city of Melbourne, in the colony of Victoria, this 6th day of February, 1865, before me,

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 18.]

Testimony of Edward S. Jones.

I, Edward S. Jones, at present of the city of Melbourne, in the colony of Victoria, officer, do solemnly and sincerely declare that I am a native of Gloucester, Essex County, Massachusetts, United States; that on the 1st of October, 1864, I engaged as chief officer of the United States bark Delphine, of Bangor, Maine, then lying in the Victoria dock, London; that on the 12th October, 1864, said bark sailed for Akyab, with machinery on board, and that up to the 29th December, 1864, nothing unusual occured; that on the 29th December a sail was descried, about 10 a. m., ahead, and that, coming up with her by about 3 o'clock in the afternoon of the same day, I saw above alluded-to vessel flying the English flag, when the bark Delphine continued her usual course, showing the United States flag. The vessel in question then hauled down her flag and hauled to wind, as we supposed to speak us. She had no suspicious pennant about her, but I was then able to see that she was a steamer. Said vessel subsequently hoisted the confederate flag and fired a blank shot, whereupon the Delphine hove to. A boat from said vessel, with five men and two officers, named Bullock and Minor, all well armed, boarded the bark Delphine. Bullock spoke to Captain Nichols. The captain took ship's papers, and at the request of said Bullock Captain Nichols went on board said vessel, where I was requested by said Bullock to accompany him. The boat of said vessel transferred us from Delphine on board the said vessel, which we were told was the Shenandoah. Captain Nichols was ordered in the cabin, whereas I stopped on deck. Soon afterwards Captain Nichols came from cabin and told me the captain of Shenandoah had condemned his vessel, (Delphine,) and that the said captain ordered him to proceed on board her in order to bring off his (Captain Nichols's) wife and child, as well as clothing. The first lieutenant of the said Shenandoah, Mr. Whittle, told me he had orders from his captain not to allow me to proceed again on board bark Delphine. Captain Nichols soon afterwards arrived on board the Shenandoah accompanied by his wife and child, and they brought also their clothes. Upon Captain Nichols's return to the Shenandoah I was allowed to go to the bark Delphine, and immediately on my reaching her Bullock asked me to assist in setting fire to her, which I positively refused. The crew of said Shenandoah removed several boat-loads of stores, in which the crew of the Delphine were made to assist. At about 10 o'clock in the evening I left the Delphine and saw her set on fire by Bullock and a man Simpson. I did not see her

sink. The paymaster of the Shenandoah told me I was a prisoner of war, and made me sign a parole. That whilst on board of the Shenandoah I noticed three boats, all buckets, all life-buoys, and many knives and forks, bore the mark "Sea King;" and I was told by Mr. Bullock, sailing-master, Colton, master's mate, Hutchinson, third engineer, Minor, master's mate, and the carpenter, O'Shea, that the Sea King was her name previous to being changed into Shenandoah. I have heard repeatedly all the officers say, with the exception of Mr. Whittle, that they came out from Liverpool in the Laurel to join the ship—meaning the Sea King, of London. I heard said officers also say that the guns and ammunition came out in the Laurel, and that it was a prearranged plan to meet the Sea King and proceed on a cruise. I also heard said officers state that the guns on the Shenandoah, as well as the ammunition, were transshipped from the Laurel on the Shenandoah off Madeira. I also heard them say that the Laurel awaited the Sea King at Madeira for some days, and that on the Sea King rounding a certain point she was cheered by the crew and passengers of the Laurel; that the two ships signaled to each other, and that the Sea King, without coming to anchor, proceeded out again to sea and was soon afterwards followed by the Laurel. I heard Mr. Hunt, master's mate, say that the Sea King was bought in London for the confederate government, for a sum, to the best of my recollection, of £45,000, (say forty-five thousand pounds.) I heard third engineer say that he shipped in her in London for Bombay. The carpenter of the Shenandoah, Mr. O'Shea, told me that when he went on board of the Shenandoah she had no bolts to lash the guns, but that the bolts now serving, and which were made for that purpose, came with the Laurel from Liverpool, and that he fixed them. The reason I was not confined was because the captain was in hopes that I would join his ship. The first day of my stay in the Shenandoah the first officer, one Whittle, wanted to put me in irons, whereupon Captain Waddell told him not to do so, as I might probably volunteer to become one of the ship, as he liked my broad shoulders. I was frequently offered to join the ship, and promised seventy-five dollars a month, payable in gold, if I did so. That two days before arriving in Hobson's Bay I had again to sign, in duress, a parole, and, on reaching Melbourne, placed myself under the protection of the United States consulate.

EDWARD S. JONES,
First Mate late Bark Delphine.

Subscribed and sworn to, in duplicate, before me, this 6th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 19.]

Testimony of James Ford.

I, the undersigned, James Ford, of New York, United States of America, now residing in Melbourne, hereby declare that during the month of June, 1864, I shipped on board the United States brig Susan, at Philadelphia, as a seaman, and remained on board her up to the time of her capture by the so-called confederate steamer Shenandoah; that said ship Susan sailed on 26th September, 1864, from Cardiff, bound for Rio Grande, under Captain Hanson; that nothing unusual occurred on said ship until the 10th of November, when we sighted a sail ahead of us at about half-past 3 o'clock a. m., making an eastward course. At about half-past 5 o'clock same day I was told by one of the crew

below that the vessel we sighted before was running up astern. I then went on deck and saw said ship running towards us, flying the English flag; thereupon the captain gave orders to hoist our flag; after which the said vessel fired a blank shot and hoisted the confederate flag. Not heaving to immediately, a second blank shot was fired; whereupon the said ship Susan hove to. A boat with five men arrived, with two officers named Chew and Brown, boarded us and took the captain and first mate on board the Shenandoah, one officer accompanying them, whereas the other took possession and command of the said vessel Susan. The same boat, accompanied by another, again came to the said ship Susan, with about ten men, armed. They lowered the boat of the said ship Susan and ordered the crew to put their clothing, allowing only one bag per man, on board said boat. The crew from the Shenandoah then took such stores from the Susan as they thought most desirable, and made crew of the Susan give assistance in taking stores off. I was asked on board the Susan to join the crew of Shenandoah, which I declined. The crew from the Shenandoah then scuttled ship Susan, as I heard them knocking off planks in the hold. I, with others, then went on board Shenandoah, and was again asked by officers and crew to join the ship, which I did, being unwell at the time. I then signed the articles for a cruise. The mate and second mate, who would not join, were put in irons, whereas the captain was left at liberty. When on board the Shenandoah I noticed that two twelve-pounder guns, the bell, the wheel, and some buckets bore the mark "Sea King," and on the bow I noticed the letters ING. That whilst sailing I was told by —— Warren, boatswain's mate, to assist in taking down the bell, which I did, and it was taken in the engineer's room. Subsequently I noticed said bell hung up, but the name Sea King erased, and the marks of files or some instrument of that description were visible when I landed. The name Sea King was also erased or taken off from the guns and wheel, all of which bear marks to that effect. That I overheard frequent conversations to the effect that the Laurel and Sea King met at Madeira—arriving to a prearranged plan—the former having ammunition, arms, and officers and crew on board for the latter. I cannot swear to the parties who I overheard telling above. That out of a crew of about fifty sailors (officers excluded) no more than four to six born or naturalized Americans were on board, the majority of the others being of British origin; that the above four to six born or naturalized Americans were captured prisoners, and, in preference to torture, enlisted; but that the original crew of sailors is of entirely foreign descent; that about twenty-eight men were landed on the island Tristan da Cunha; that whilst I was on board the Shenandoah she captured ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacey, bark Edward, and bark Delphine, and in all instances she proceeded in the same way, viz: in signaling to any ship she first hoisted the English flag. Upon being replied by the United States flag, she invariably lowered it, approached the decoyed prey, hoisted a confederate flag, and fired a gun to make the ship heave to. That on arriving in Hobson's Bay I desired to get rid of my impressment, and placed myself under the protection of the United States consul.

JAMES FORD.

MELBOURNE, *February*, 1865.

Subscribed and sworn to, in duplicate, before me, this 2d day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

[Inclosure No. 20.]

Testimony of George R. Brackett.

I, George R. Brackett, at present of the city of Melbourne, in the colony of Victoria, able seaman, do solemnly and sincerely declare: That I am a native of Rockland, Maine, in the United States of America. That on the 5th day of October, 1864, I shipped at Boston on board the bark De Godfrey, of Boston, United States of America, whereof Hallett was captain, for a voyage to Valparaiso. That on the 6th day of October, 1864, the said bark, under the command of the said Hallett, proceeded on her voyage to Valparaiso, laden with a cargo of general merchandise, and no particular incident took place on the said voyage until about 8 o'clock in the morning of the 7th November, 1864, when we sighted a sail astern, which continued to gain on the said bark, and about 2 o'clock, when I was at the wheel of the said bark, I saw that the sail was a steamer, and that she was getting up steam, and about half past 3 o'clock in the afternoon I saw the said steamer hoist the English flag, and about ten minutes to 4 o'clock in the said afternoon the captain of the said bark De Godfrey gave order to the mate, Mr. Taylor, to hoist the flag of the United States of America, which was done; and the said steamer thereupon hauled down the English flag, and hoisted the flag of the so-called Confederate States, and fired a blank shot towards the said bark; and in pursuance of an order given by the captain of the said bark, she was hove to, and the said steamer lowered a boat containing three persons: viz, Bullock, sailing-master, Scales, fifth lieutenant, Hunt, midshipman, who represented themselves of the aforesaid ranks on board of the said steamer, and five men, who, being well armed, came on board said bark, and the said Bullock said to the said Captain Hallett and the mate, Mr. Taylor, in my hearing, "Take your papers and go on board Shenandoah; you are prisoners of war, and your vessel is a prize of the confederate steamship Shenandoah;" and the said Captain Hallett and the said Mr. Taylor were then taken on board the said steamer by the said Scales and five men, the said Bullock and Hunt remaining on board the said bark, and gave orders to the crew to clew up the sails, which was done. That in about half an hour, the said Captain Hallett and mate, Mr. Taylor, left the said steamer in charge of the said Mr. Scales in the said boat containing five men, accompanied by another boat containing seven persons, all armed, and all the said parties came on board the said bark, and the said Bullock then gave orders to the crew of the said bark to break open the stores and put them in a boat, together with our clothing, and to go on board of the Shenandoah, which we did; and on getting on board the said steamer, I saw a fire break out in the said bark, which continued burning until, about half-past 11 o'clock that night, all sight was lost, the said steamer, after the said fire broke out, having steamed away. That on my proceeding on board the said steamer aforesaid, Whittles, who said he was first lieutenant of the said steamer Shenandoah, asked me to join the said steamer, which I refused to do; and he then said to me, "You will fare worse," to which I made no reply, and was then ordered to the other side of the deck, where I went; and afterwards the said Whittle, Bullock and Grimble (second lieutenant on board the said steamer) came over, and the said Whittle then asked the rest of the crew of the said bark who were with me, and myself, if we were going to sign, to which we all replied no; and the said Bullock then said, "Don't you calculate to sign?" to which we all replied again

no; and then the said Whittle said: "I will give you two and a half hours to make up your minds, and if you don't sign then I will put you in double irons, and put you in the fire-room before the furnace, on the coals, every night, and I will keep you four months if you don't sign, and make you work every day." That, at the expiration of the said two and a half hours, Bullock came to us, and asked if we had made up our minds to sign, and in reply I declined again, but eventually, on his holding out threats of punishment, I and John Davy, William West, Walter Madden, and George Flood, being the crew of the said bark, consented to and did sign, agreeing to serve as seamen on board the said steamer Shenandoah for six months. That when I went on board the said steamer, I saw the bell was marked or cut with the words Sea King, and about fourteen days afterwards I was ordered by Howard, the boatswain of the said steamer, to assist in taking down the bell, which was taken down, and three days subsequently I was ordered to assist in its place, and I noticed that the said words Sea King were taken off; and I was also, about two days before, ordered to scrape off the said harness cask the said words Sea King, which I did; and also subsequently saw that the said words Sea King were erased from the guns, two twelve-pounders. That I also noticed a brass plate on the said steamer, fixed between the two cabin doors, marked or cut with the words "Built by A. S. Stephens & Sons, Glasgow," and that the after part of the main hatch combings was marked or cut with the figures and word "790 tons," also the year the said steamer was built, which I now forget. That, while I was on board the said steamer, the said Bullock; Smith, paymaster of the said steamer; the said Howard; Crawford, gunner's mate; Simson, cockswain of the captain's gig of said steamer, and Bowman, chief boatswain's mate, at different times told me they were on board the Alabama steamer, (sunk some time since by the Kearsarge, United States vessel of war,) and that they were sunk in her. That while I was on board the said steamer, the following vessels were captured, viz, the brig Susan, ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacy, bark Edward, and the bark Delphine; and all the said vessels, except the Kate Prince and the bark Adelaide, were burned or sunk. That Waddell is captain of the said steamer Shenandoah, and with the exception of the officers of the said steamer, during the whole time I was on board, out of about thirty-five making the crew of the said steamer, there were only four Americans on board—all the rest of the crew being English, Irish, Dutch, Swedes and Norwegians. That on the said steamer arriving in Hobson's Bay, Victoria, I got liberty to go on shore, and on getting on shore, placed myself under the protection of the consul of the United States of America.

GEORGE R. BRACKETT.

Subscribed and sworn to, in duplicate, before me this 3d day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States.

[Inclosure No. 21.]

Testimony of Charles Bolin.

I, Charles Bolin, of Stockholm, Sweden, do solemnly declare: That I shipped on board bark Delphine, in London, for a voyage to Akyab,

on the 5th October, 1864, and we sailed on 9th of same month. That on the 29th of December, 1864, we were captured by an armed vessel called the Shenandoah, and taken on board, kept in irons ten days, when I consented to work; I signed a parole before proceeding to do so, and on our arrival in Hobson's Bay was released, and placed myself under the protection of the American consul at the port of Melbourne. That while on board one of the men told me he left the steamer Laurel off Madeira and joined her; at that time she was the Sea King.

CHARLES BOLIN.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 22.]

Testimony of John Sandall.

I, John Sandall, of Stockholm, Sweden, hereby solemnly declare: That on the 5th of October, 1864, signed articles for a voyage on board bark Delphine, in London, to proceed on a voyage to Akyab, and sailed in her on the 9th October; nothing unusual occurred until the 29th December, when she was captured by an armed vessel called Shenandoah. On taking us on board they kept me in irons ten days, after which I consented to go to work rather than be kept in irons. I remained on board working with the crew until her arrival in Hobson's Bay, when I was released, and placed myself under the protection of the American consul. That while on board I had conversations with some of the men who told me she was the Sea King, and that they joined her off Madeira, sailing in the Laurel from Liverpool to do so; I also noticed the letters ING. on her headboard, also a spoon marked Sea King.

JOHN SANDALL.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 23.]

Testimony of William Scott.

I, William Scott, of Gothenburg, Sweden, but now residing in Melbourne, Australia, do solemnly declare: That on the 5th of October, 1864, I signed articles to proceed on a voyage to Akyab, in bark Delphine, as carpenter, and on the 9th October we sailed from the port of London. That nothing unusual took place until the 29th December following, when we were captured by an armed vessel, at first showing the English ensign; after firing a gun she displayed a flag of the so-called Confederate States of America. That I with rest of crew were taken on board of said vessel called the Shenandoah and asked to join, which I refused to do; I was then placed in irons and told I would be kept there for

three or four months unless I would work for them; at the end of ten days I consented to work, and was released on signing a parole, and remained on board until her arrival in Hobson's Bay, when I was released, and placed myself under the protection of the American consul at this port. That during my stay on board I noticed the letters ING. on part of her headboard, also a spoon marked Sea King, and saw that the buckets had had a name scraped off them.

WILLIAM SCOTT.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 24.]

Testimony of Frederick Lindborg.

I, Frederick Lindborg, of Sweden, but now residing in Melbourne, Australia, do solemnly declare and say: That I shipped on the 5th October, 1864, on board the bark Delphine, as a seaman, in London, bound to Akyab; nothing unusual occurred until the 29th December, 1864; that on the said 29th of December a sail was sighted about nine o'clock in the morning, which we gradually neared. That when about three miles distant she hoisted the English flag; the American flag was then hoisted on our vessel; upon seeing which, the strange vessel lowered the English flag, fired a blank shot, and raised the confederate flag; our vessel was then hove to. That our vessel was then boarded, the captain and mate taken to the other vessel, and after bringing the captain back our vessel was declared to be a prize. That after packing up our clothes I, with the rest of the crew, was taken on board said vessel, which proved to be a steamer, and was there asked by some of the crew to join her, but I refused to do so. That they then ironed me and put me among the sheep. That I was told by the carpenter's mate that the vessel's name was Shenandoah. That at the end of ten days I consented to work in preference to being kept in irons; I was then released and signed a parole. That I worked with the crew until our arrival in Hobson's Bay. That on the 26th January, 1865, I was released from imprisonment, came ashore, and went to the United States consulate for protection and assistance.

FREDERICK LINDBORG.

Subscribed and sworn to, in duplicate, before me, this fourth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 25.]

Testimony of Lillias L. Nichols.

I, Lillias Lewene Nichols, at present of the city of Melbourne, in the colony of Victoria, wife of William Green Nichols, master mariner, make oath and say—

1. That on the twenty-ninth day of December, one thousand eight

hundred and sixty-four, I was on board the bark Delphine, belonging to Bangor, Maine, United States of America, in company with my husband, the above-mentioned William Green Nichols, under whose command the said bark then was; and about three o'clock in the afternoon of that day the said bark was hove to, in consequence of a blank shot fired towards her by a steamship called the Shenandoah, flying the flag of the so-called Confederate States of America, and was subsequently boarded by —— Bullock, the sailing-master of the said steamer, who told my said husband and his chief officer, Mr. Jones, that they and the said bark were a prize to the Confederate States of America, and ordered them to go on board the said steamer; and in pursuance of the said order, my said husband and the said chief officer went on board, and subsequently returned to the said bark, and I was taken on board the said steamer, as also my husband, his officers and crew, and about eleven o'clock that night the said bark was burnt.

2. That on my getting on board the said steamer, one Waddell, the captain of the said steamer, said to me, "Welcome on board the Shenandoah;" and while I was on board the said steamer, I was treated with kindness and consideration by the said Captain Waddell.

3. That while I was on board the said steamer, I frequently was in conversation with the said Waddell, who frequently told me that he came out in the Laurel steamer from Liverpool to a place off Madeira, and that the Laurel arrived there three days before the Sea King; and was waiting three days for the Sea King, and on the Sea King appearing, they cheered her; and that the said steamer Shenandoah was formerly the Sea King, and was built at Glasgow; and that the Laurel and Sea King steamer met off Madeira, and that the guns and ammunition then on board the steamer Shenandoah were brought out by the said steamer Laurel, packed in boxes.

4. That the said Waddell told me, while I was on board the said steamer, that he left his wife in England; and that on leaving England, he told her that he was going on a cruise, and that she would most likely hear a great many things to his detriment, but not to believe them; and the said Waddell also told me that he picked up his officers, some in Paris, some in London, and some in Liverpool; and that some were recommended by Semmes, of the Alabama steamer, (lately sunk by the Kearsarge, United States ship of war;) and that his cruise was to burn and destroy everything flying the federal flag.

5. That the said Waddell told me that Whittle, the first lieutenant of the said steamer, came out in the Sea King steamer; and the said Whittle also told me that he came out in the Sea King to a place off Madeira; and that when they arrived, they were cheered by the people on board the Laurel steamer on coming round the point.

6. That the said steamer Shenandoah arrived in Hobson's bay on the 25th day of January, 1865; and two days previous to her arrival, the paymaster, one Smith, called me to read a paper document, which I did, and found it was a parole not to bear arms or to do anything to the detriment of the confederate cause; and I then told the said Smith that I was not a prisoner of war, and that Captain Waddell had frequently told me so; and the said Smith told me I must sign it to get released; and, in reply, I told the said Smith that I did not consider it binding, and that if any questions were asked of me I would answer them; and he then said, "It is a mere matter of form, and was the only way for me to obtain my release;" and on the said representation, "that it was

the only way for me to obtain my release," I signed the said paper document, protesting, as I was then under duress.

7. That I am a native of Searsport, Maine, United States of America.

LILLIAS LEWENE NICHOLS.

Subscribed and sworn to, in duplicate, before me, this third day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

[The above affidavit was substituted for inclosure No. 11, see Mr. Blanchard's letter transmitting these affidavits, *ante*.]

[Inclosure No. 26.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 9, 1865.

SIR: I have the honor to inform your excellency that I have already left at the Crown law offices, by my attorneys, Messrs. Duffet, Grant, and Wolcott, at different times, the affidavits of the following persons in relation to the Sea King, *alias* Shenandoah; all of which affidavits go to show the real character of said vessel, and are in support of the several protests I have the honor to forward to your excellency, and which protests I now reiterate.

List of affidavits left at the Crown law offices on February 2, 1865.

Mrs. L. L. Nichols, wife of W. G. Nichols, master of bark Delphine, and passenger thereon; William Bruce, steward, bark Alina; John H. Colby, seaman, Lizzie M. Stacey.

Left on February 6, 1865.

Edward S. Jones, chief officer, Delphine; James Ford, seaman, Susan; George R. Brackett, seaman, De Godfrey; Charles Bollen, seaman, Delphine; John Sandall, seaman, Delphine; William Scott, carpenter, Delphine; Frederick Lindborg, seaman, Delphine; George Silvester, late a seaman on the Laurel and fireman on the Sea King, *alias* Shenandoah.

I have the honor to be, your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 27.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 10, 1865.

SIR: I most respectfully beg leave to call your excellency's attention to that part of the inclosed affidavit of John Williams, taken before me

this day, late cook on board the Shenandoah, *alias* Sea King, relative to the shipment of men on board said Shenandoah in this port.

I have the honor to be, your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

Affidavit of John Williams.

I, John Williams, of Boston, Massachusetts, do make oath and say, that I was taken from the bark De Godfrey, the 7th day of November, 1864, as a prisoner, and put on board the steamship Shenandoah, now in Hobson's Bay; that I served as cook under compulsion and punishment on board said Shenandoah, from the day of my capture until Monday the 6th day of February, 1865; that on Monday last I swam ashore to obtain the protection of the United States consul; that when I left the said Shenandoah on Monday last, there were fifteen or twenty men concealed in different parts of said ship, who came on board since said Shenandoah arrived in Hobson's Bay, and said men told me they came on board said Shenandoah to join ship; that I cooked for said concealed men for several days before I left; that three other men, in the uniform of the crew of the Shenandoah, are at work on board said Shenandoah—two of them in the galley, and one of them in the engine room; that said three other men in uniform joined said Shenandoah in this port; that I can point out all the men who have joined said Shenandoah in this port. JOHN WILLIAMS.

Subscribed and sworn to, in triplicate, before me, this 10th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 28.]

Mr. Chomley to Mr. Blanchard.

CROWN LAW OFFICES,
Melbourne, February 11, 1865.

SIR: I am directed by the law offices of the Crown to acknowledge the receipt of your letter of yesterday's date, addressed to his excellency the governor, and containing an affidavit of one John Williams, relative to the shipment of men on board the Shenandoah in this port. In reply, I am to inform you that the above named John Williams may attend on Monday morning next, at the office of the Crown solicitor; and if he can give evidence sufficient to support a charge of misdemeanor against any of the persons concealed on board the Shenandoah, or against any of the officers of that ship, proceedings will be taken immediately.

I have the honor to be, sir, your obedient servant,

A. W. CHOMLEY, *Secretary.*

The CONSUL *for the United States of North America.*

[Inclosure No. 29.]

Testimony of John Williams.

I, John Williams, of No. 6 Richmond street, Boston, Massachusetts, do declare on oath, that I shipped on board the bark De Godfrey, Cap-

tain Halleck, and sailed in said bark from Boston on the 6th of October, 1864; that nothing unusual occurred until the 7th of November, 1864, when a vessel under steam and sail, flying the English ensign, ran down to us, lowered the English flag and hoisted the confederate flag, which I knew, fired a cannon for said bark to heave to, which said bark did; that a boat from said steamer, containing two officers and six men, all armed, came alongside; both officers came on board said bark and ordered the captain and first mate to go on board said steam vessel and take the bark's papers with them; that the captain and mate as ordered did go; that one of the said armed officers took charge of the bark in the captain's absence; that when Captain Halleck returned, he was allowed to take only part of his clothing; that we were all then ordered on board the said steam vessel; that before I had reached the steam vessel I saw the bark I had left on fire, and I watched her until the mainmast went over the side; that after I got on board I was ordered to go into the cabin and work, and all hands called to splice main brace; that the next day the captain of said steamer, Mr. Waddell, said I had better join the ship, as it would be better for me; that as colored people were the cause of the war, if I did not join, it would go hard with me; that said Waddell said he wanted to get all the colored persons he could; that I offered to work, but refused to join ship; that he then said he would put me in the coal-hole for six months; that he then offered me a month's advance, (£6,) which I refused, because I am a loyal citizen, and have served my time in the navy of the United States; that I was in the Congress when she was sunk in Hampton roads, and had with me my discharge from the Minnesota; that I have been triced up by the thumbs seven times for upholding my country; that I have been triced up after my work was done, from 6 o'clock p. m. until 9 o'clock p. m.; that I told Mr. Whittle that I was forced to join said Shenandoah, and if the Minnesota was here she would blow this vessel out of the water; he then ordered me to be triced up by the thumbs, which was done by the master-at-arms; that I continued to work on board said vessel until her arrival in the port of Melbourne and until Monday night last, when I swam ashore to find the United States consul; that when I first went on board the said steamship, I saw that her articles read Shenandoah, but all parts of the vessel were marked Sea King, of Glasgow; that two twelve-pounder guns were marked Sea King, with a crown, and the letters P. D., one on each side of the crown, and the said guns were so marked when I left the said Shenandoah on Monday last; that the cooking stove that I used while on board was marked Sea King, of Glasgow; that the said stove was on board on Monday last; that Captain Waddell told me he would get me a better stove as soon as the vessel went in the slip; that the bell, sideboard, wheel, and a brass plate on the cabin door, were all marked Sea King when I first went on board said Shenandoah; that in all the captures made by said Shenandoah since I have been on board, the guns marked Sea King, and having a crown and letters P. D. as before described, were used to bring the vessels to; that no other cannon have been fired since I came on board.

JOHN WILLIAMS.

Subscribed and sworn to, in duplicate, this 11th day of February, before me, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 30.]

Testimony of Walter J. Madden.

I, Walter J. Madden, of Boston, Massachusetts, do declare on oath that I sailed from Boston, Massachusetts, in the bark De Godfrey, Captain Halleck, on October 6, 1864, bound to Valparaiso; that on the 7th of November, 1864, the said bark was captured by a steamer, which I afterwards learned was called Shenandoah, said steamer first showing the English ensign, and after we showed our colors she then hoisted the confederate flag; that I was then ordered on board the said Shenandoah; that after I got on board I was told that if I would not join said Shenandoah I would be put in irons and in the coal-hole until I did join, or until said vessel arrived in a port to land me, which might be several months; that being sick at the time, and in order to avoid punishment, I consented to join her for six months, against which shipment I now protest; that when I came on board said Shenandoah I saw the aprons on two quarter-deck cannons marked "Sea King," which words "Sea King" were, about one month afterwards, erased; that the bell forwards was also marked with the words "Sea King," which words were erased; that I served on board said Shenandoah as captain of the hold; that all the stores on board said vessel down to her kelson are marked "Sea King," except those taken from the vessels captured after I came on board said Shenandoah; that the letters ING cut in the head-board, which is broken off said ship Shenandoah and painted over, were still visible when I left the vessel on the 7th of February, 1865, in the port of Melbourne; that when I left the vessel on the 7th instant there were men hid in the forecastle of said ship and two working in the galley, all of whom came on board of said vessel since her arrival in this port; that the officers pretend they do not know that said men are so hid; that the guns on the quarter-deck marked Sea King, when I came on board, were the only guns on board the said Shenandoah that were used to make prizes; that on the occasion of the capture of the Delphine, one of the rifled guns of said vessel was cleared away for use, but the vessel hove to without a shot from said rifled gun.

WALTER JAMES MADDEN.

Subscribed and sworn to in duplicate before me this 9th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 31.]

Testimony of Thomas Jackson.

I, Thomas Jackson, at present of the city of Melbourne, in the colony of Victoria, able seaman, make oath and say:

1. That I am a native of Yorkshire, England, and between three and four months ago I shipped at Liverpool, on board the Laurel steamer of Liverpool, to proceed on a voyage to the Gulf of Mexico, and was shipped and taken on board the said steamer Laurel by ——— Allen, chief engineer of Fraser & Co., of Liverpool, while under the influence of drink; and the day after I was taken on board the said steamer a number of

boxes were hoisted on board the said steamer Laurel from two tug-boats, while the Laurel was in the Mersey, and I assisted in putting the said boxes on board, and on the following day the Laurel proceeded on her said voyage or supposed voyage.

2. That after the expiration of about five days from the said steamer leaving Liverpool on the said supposed voyage, she anchored at Madeira and took in coal, and waited at anchor there for about three days, when a steamer signalized the said steamer Laurel from outside, and the said steamer Laurel then weighed anchor and proceeded to the back of the island and waited for the aforesaid steamer, which came alongside, and I then saw the words "Sea King" on her bows.

3. That the cargo brought out in the said steamer Laurel was then transferred to the said steamship Sea King, such cargo being packed in boxes, and was put on board the Laurel at Liverpool while I was on board, and which I assisted in putting on board as aforesaid, and the said steamer Sea King immediately proceeded on her voyage, and hoisted the flag of the so-called Confederate States of America, and the people on board the Laurel gave the Sea King three cheers, and the Laurel then proceeded, as I believe, to Nassau.

4. That I shipped on board the said steamship Sea King at Madeira as fireman, being engaged by Whittle, (who is now the first lieutenant of the steamship called the Shenandoah,) having first been well supplied with rum to drink by the said Whittle and ——— Bullock, the sailing-master.

5. That about two days after leaving Madeira in the said steamer Sea King, the said words "Sea King" were painted over, and the said Whittle, after the said cargo was put on board from the said steamer Laurel, and about a day after the said steamer Sea King left Madeira, read his commission to the crew, and told me that I was supposed to be a southern man, and the name of the said steamship Sea King was, in the future, to be Shenandoah, and thereupon, from that time afterwards, the said steamer Sea King was called Shenandoah.

6. That in about a month or six weeks after leaving Madeira in the said steamer Sea King, (at this time called the Shenandoah,) the bell of the said steamer, bearing the words "Sea King" engraven thereon, was brought to me by —— Guy, the gunner of the said steamer Shenandoah, who told me to help file the said words "Sea King" out of the said bell, which I did, assisted by Martin, the storekeeper of the said steamer, and the next day the said Martin took the said bell back to one of the men, and I afterwards saw the said bell on the top-gallant forecastle, and the said bell was on board the said steamer Shenandoah when I left her in Hobson's Bay, Victoria.

7. That all the officers on board the said steamship Shenandoah, with the exception of the first lieutenant, came from Liverpool in the said steamship Laurel, and went on board the said steamer Sea King at the back of Madeira, as aforesaid.

8. That the said cargo put on board the said steamer at the back of Madeira from the Laurel, packed in boxes as aforesaid, was afterwards opened, and consisted of cannon, carriages, shot and shell, and also powder, and the said cannon were afterwards mounted on board the said steamer Sea King, now Shenandoah.

9. That about two days before the said steamer Shenandoah arrived in Hobson's Bay the said words "Sea King" were still visible on the bows of the said steamer, the Shenandoah, and the said Whittle told some of the crew to paint over the bows of the said steamer again, which they did, and painted a white streak round her stern block.

10. That about six weeks after leaving Maderia, as aforesaid, some plates with the words "Sea King" engraved or cut therein, affixed between the cabin doors and other places on the said steamship, then called the Shenandoah, were unscrewed by the carpenter (O'Shea) and thrown overboard.

11. That I have sailed eight or nine years backwards and forwards from the United States of America, and have a protection as a United States citizen, which is now, together with all my clothes, on board the said steamer Shenandoah.

12. That the said Sea King had on board of her when I joined her from the said Laurel, near Madeira, two mounted cannon, and that the said two mounted cannon did not come out in the said Laurel; that the said two mounted cannon were the only cannon used to make captures or prizes with while I was on board said Shenandoah; that the cannon taken from the said Laurel have never been fired since they were put on board the said Shenandoah, and I left the said Shenandoah on the twenty-seventh day of January, 1865, at the port of Melbourne.

his
THOMAS × JACKSON.
mark.

Witnesses:
J. B. SWASEY.
S. GAGE.

Subscribed and sworn to, in duplicate, (first reading the above oath to Thomas Jackson in the presence of J. B. Swasey and Simeon Gage, who witnessed also his mark.) before me this eighth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 13, 1865.

SIR: I have the honor to forward to your excellency, inclosed herewith, the affidavits of three persons, taken before me, in relation to the Sea King, *alias* Shenandoah, which affidavits go to show the real character of said vessel, and are in support of the several protests I have had the honor to forward to you.

1. John Williams, late a prisoner from the American bark De Godfrey, and an impressed cook on board the said Sea King, *alias* Shenandoah.

2. Walter J. Madden, late a prisoner from same bark, and captain of the hold on board said Sea King, *alias* Shenandoah.

3. Thomas Jackson, late a seaman on board the steamer Laurel, and fireman on board the Sea King, *alias* Shenandoah.

I have the honor to be your excellency's obedient servant,

[SEAL.] WILLIAM BLANCHARD,
United States Consul at Melbourne.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 33.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
February 13, 1865.

SIR: In acknowledging the receipt of your letter of this date, I am directed by his excellency to acquaint you that the matter to which it more particularly refers, and which was first brought under his notice in your letter of the 10th instant, has engaged, and continues to engage, the earnest attention of the colonial government.

I have the honor to be, sir, your obedient servant,

H. L. WARDE,
Private Secretary.

WILLIAM BLANCHARD, Esq.

[Inclosure No. 34.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 14, 1865.

SIR: I have the honor to forward to your excellency, inclosed herewith, the affidavits of F. C. Behncke and Hermann Wicke, late prisoners from the American bark Alina, and impressed sailors on board the Sea King, *alias* Shenandoah, taken before me this day, which affidavits are in support of my protests, and also tend to show a continued violation of law by persons on board said vessel.

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 35.]

Testimony of Hermann Wicke.

I, the undersigned, Hermann Wicke, now of the city of Melbourne, hereby solemnly declare and make oath: That I am a native of Posthause district, Achem, kingdom of Hanover, Germany. That I shipped as ship's boy on the 5th of October, 1864, at Newport, England, on board the American bark Alina; that on the 6th of October the Alina sailed from Newport for Buenos Ayres, and that up to the 29th of October nothing unusual occurred; that on the 29th of October, at about 10 a. m., a steamship, with steam up and under full sail, was descried coming towards the bark Alina, and in nearing about two miles the English ensign was hoisted on said steamer, whereupon the bark Alina hoisted the United States colors; that at about one o'clock on the same day, when within a distance of three-quarters of a mile, the said steamer fired a blank shot, lowered the English flag and hoisted the flag of the Confederate States of America; that the bark Alina thereupon hove to and was boarded

by a boat from said steamer, manned with five sailors and two officers, who were all fully armed with revolvers; that the captain and mate were ordered on board the steamer, whereas the crew were required to remove such stores from the Alina, with two boats from the Alina and two from the steamer, as were pointed out by an officer of the steamer who was left on board; that the crew were informed that the ship was a prize of the Confederate States of America, and that each of the crew would be allowed to take one bag of clothing on board the steamer; that I went with others on board the steamer, on the bell of which I saw the name Sea King, which subsequently was erased. I was told the name of said steamer was Shenandoah. Captain Waddell, of the steamer Shenandoah, asked me to join ship. I was intimidated, and not understanding English properly then, I replied yes to everything I was told and asked. I signed, being afraid that by not doing so I might lose my life. That I served on board the Shenandoah as coal trimmer, and on the passage to Melbourne eight ships were captured by the Shenandoah, for the heaving-to of which two ordinary ship's guns aft alone were used; I never saw any of the two rifled guns or of the four 68-pounders used or fired. That William Clark, also a coal trimmer on board the Shenandoah, told me she sailed from London as the Sea King, and that he shipped in London on board the Sea King; that the said W. Clark was still on board on the 12th instant when I left the Shenandoah; that since her arrival in Hobson's Bay I did the work of firemen's mess cook, consisting of bringing to and fetching from the cooking galley the food for the firemen and cleaning tables, &c. That the rations in Hobson's Bay are served by the master-at-arms, (I believe named Reed,) who gives the rations to Quartermaster Vickings, and this latter brings the rations to the galley to be cooked by the cook, known by the name of "Charley;" that said cook, Charley, was not on board the Shenandoah on her arrival in the bay; he went on board since her arrival, and he told me he would join the ship as cook; that he dared not do it in the port, but that he would do it when proceeding outwards; that I also saw said cook take rations to a number of men who were concealed in the forecastle, who went on board since her arrival in Hobson's Bay. That on Saturday, 11th February, 1865, when working and cleaning the Shenandoah, three boys, who came on board the Shenandoah since her arrival in this port, assisted in painting between decks, whereas the number of men so concealed (as mentioned above) worked on deck; that the said men, so concealed, in number about ten, received rations cooked in the same cooking apparatus and served in the same way as the regular crew on board; they eat out of the ship's plates in the forecastle, such as were used by the prisoners while on the cruise; that they sleep on board, one part in the forecastle, the other part between decks. That the cook, Charley, and another which I could identify if seeing him again, wore sometimes the ship's uniform. That on the 12th instant I left the Shenandoah on leave, and having joined her under intimidation, against which I hereby protest, I place myself now under the protection of the United States consul at Melbourne.

HERMANN WICKE.

Subscribed and sworn to, in duplicate, before me, this 14th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 36.]

Testimony of F. C. Behucke.

I, F. C. Behucke, of Lubec, in Germany, seaman, do declare on oath, that I shipped on board the American bark Alina, of Boston, at Newport, England, on the 5th of October, 1864, and sailed in said bark on the 6th of the same month, bound for Buenos Ayres; that nothing unusual occurred until the 29th of October, when a steamship neared us flying the English ensign, which was then lowered, another flag hoisted, and a blank shot fired to heave our bark to; that the said bark hove to and was boarded by armed men from said steamship; that said armed men ordered the crew to take one bag of clothes and go on board said steamship; that all the crew of said bark did as ordered; that when I went on board said steamship I found eight guns mounted, on two of which guns I saw the word Sea King; that her crew consisted of twenty-three officers aft; that in addition to the above officers there were one gunner, two gunner's mates, four quartermasters, two cockswains, one boatswain, two boatswain's mates, two carpenters, one sailmaker, four firemen, one storekeeper, two coal trimmers, one master-at-arms; that Sea King was also on the bell forward and harness cask; that on going on board said steamship I was asked to join her, which I refused to do; that the master-at-arms was then called, who put me in irons and in the topgallant forecastle, along with the sheep and hens, where I was kept from Saturday, at three p. m., until Sunday night, at 11 p. m.; that to avoid such punishment, I consented to join said steamship, against which impressment I now protest; that after I came on board the steamship (which I heard called Shenandoah) she made eight captures, some of which were burnt, some sunk, and some bonded and let go; that I remained on board said steamship until Sunday, the 12th February, 1865, when I came on shore at Melbourne on liberty; that the only cannon fired while I was on board were the two guns that had Sea King marked on their aprons; that the said marks are not now on the said two guns; that all the prizes were hove to with said two guns; that before I left the said steamship I saw about ten men concealed in said Shenandoah. Some of said men told me they came on board to join. That several of the said men were at work with me on Saturday last, with the knowledge of the officers; that one of said men told me that he could not sign articles in this port, but was going to do so as soon as he got outside; that one man in the galley, who came on board at this port, wears the uniform and performs his daily duty in said uniform; that said man in the galley has been wearing the uniform for about eight or ten days; that I heard said man in the galley called Charley; that all the said men who came on board since we have arrived in Melbourne have been rationed from the said ship Shenandoah; that I have seen the master-at-arms serve out their provisions to Vicking; that after the provisions are cooked I have seen Quartermaster Vicking take it to them from the galley while concealed in the forecastle.

F. C. BEHUCKE.

Subscribed and sworn to, in duplicate, before me, this 14th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 37.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 15, 1865.

SIR: Having already forwarded to your excellency various affidavits taken before me relative to the Sea King, *alias* Shenandoah, in support of the protests I have had the honor to make to you, I now respectfully offer to your consideration the following summary of facts derived from that testimony, with my view of the law applicable thereto.

In October last the Sea King cleared from England, ostensibly for Bombay, loaded with coals, and further, equipped with guns, sails, stores, &c., for a long voyage, crew ample, and, besides the regular officers of such a vessel, a lieutenant in the so-called confederate service.

Proceeding upon her cruise, she, after a few days, by a preconcerted arrangement, falls in with the Laurel, also from England, and receives from her, upon the high seas, a further armament, munitions, &c., and the remainder of her officers. This being done, the Sea King hauls down the British flag and hoists that of the so-called confederacy, assumes a new name, and commences *more active* hostilities upon the commerce of the United States. Continuing her cruise, after the destruction of several vessels, she enters this port, the first one since clearing from England, and drops anchor in Hobson's Bay, flying the so-called confederate flag, and styling herself the Shenandoah, a confederate vessel of war.

This voyage divides itself into two parts, yet all one cruise and one vessel—the former part rather a transport or storeship, still well capable of seizing unarmed vessels; the latter part rather an *armed* cruiser, yet with much to be done to render her really efficient.

This vessel cleared from England really with the intent to be employed against the United States, and was equipped in England to that end. *Immediately* upon leaving she began the designed hostile cruise, equipped at the start, fully in some respects, (as with coals, two cannon, cordage, sails, extra propeller, &c., and an officer of the so-called Confederate States,) but rather as a storeship or transport, but in nearly all the cruise fully equipped to effect the intent with which she left England, and with that intent practically and repeatedly executed.

This vessel, equipped in England with the intent as stated, the intent absolutely perfected in the hostile cruise, (still in progress, and only here interrupted to make it more effective hereafter,) now lies in reach of British law. Is she an offender against the law?

This case differs in some respects from all the reported cases. A vessel has not been *built* for, nor (as we know) *sold* to, the so-called confederate government.

The difficulties which existed in the minds of two of the judges in the Alexandra case do not appear in this. The facts here bring this vessel within the condemnatory opinion of all the judges in that case. In that the charge of "transport or storeship" was stricken off, and the only remaining one was, substantially, "equipped with intent," &c. The arrest was made too soon to make the intent quite sure; a new hull, with only two or three things *argumentatively* pointed at as consistent only with guilty design. The chief baron had committed himself by his direction to the jury in that case, and yet he only insisted (the transport charge not applying) upon *some* equipment which would render this ves-

sel more or less effective in a hostile cruise. Baron Bramwell agreed, substantially, not going so far; while Barons Channell and Pigot found against the Alexandra.

The facts, then, in this case, condemn the Sea King (Shenandoah) upon the law even of the Alexandra case, as laid down by all the judges. Here we find a "fitting out," an "equipment" of a vessel with "intent" to be employed as a "transport or storeship," and to cruise or commit hostilities against a friendly power. The "intent," the "fitting out," formed, done, in England; the vessels, in complement of the intent, actually fitted out and equipped, sailed from England, first, rather as a "storeship or transport" to furnish a more warlike cruiser with guns, coals, cordage, sails, &c., for a long cruise; and second, more fully equipped and officered, with a new name, destroying the commerce of the United States; the original equipment, thus augmented, done in complement of the same design, and as part thereof. The original and more complete subsequent equipment, all one act in complement of the one intent and one purpose, began in England and perfected there to a certain and sufficient, but afterwards to a more complete extent, even yet not fully perfected, and here designed to be accomplished. Thus, then, "the intent to be employed," &c., is actually carried out, and the *offense*, in all its parts of purpose and execution, repeatedly committed; and now from this port, and with increased power, sought to be further repeated.

The law applicable to this offense extends to all parts of her Majesty's dominions. Her Majesty's officers of customs, &c., are duly armed with power to enforce it against the offending vessel.

Proceedings may be *in personam*, or *in rem*, or in both.

The offense, though committed in one part of her Majesty's dominions, may be punished in another part. From the nature of the misdemeanor, if it could be punished only in the *place* of the offense, the law would be nearly nugatory. Is it possible that an act declared to be unlawful, when done in *any* part of her Majesty's dominions, can only be inquired into in the jurisdiction of the place of the offense? If a vessel be fitted out against the law, in Sydney, must the authorities at Melbourne refuse to move when the offender comes to this port? Are criminals escaping from England not liable to arrest here? The act authorizes, in the same terms, officers of excise, customs, and officers of her Majesty's navy, in all parts of her Majesty's dominions, to execute the law upon persons and things. Is it to be said that, although the offense has been committed, the offenders and vessel are to go without challenge in all parts of her Majesty's dominions, except in the particular jurisdiction of the original offense? Upon what rule of law can such a strange doctrine be maintained, disregarding even the plain directions and most certain intentions of the act? For a crime inaugurated and continued is a perpetual offense; wrong from the beginning; wrong everywhere in the prosecution of the wrong; each new departure a new offense, with aggravation.

This vessel is not a legal cruiser of the so-styled confederacy. She is invested with no immunity, entitled to no consideration, by her *false* assumption. She is not to enjoy the advantages of her own wrong. Entering here, as everywhere in British ports, she is a wrongdoer, continuing and aggravating the original offense. Her entering here, intending to continue her illegal cruise, is, as against *this* jurisdiction, a new offense, which renders her amenable to the *local* jurisdiction.

Whether, then, we interpret the foreign enlistment act in the manner which its obvious intention almost absolutely requires, or in the manner

suggested to me by the Crown law officers in a recent interview, in either case this vessel should be detained. For, if it be granted that the evidence presented would doubtless be sufficient to that end in England, then that evidence should be held sufficient to the same purpose here; because, upon the principle above referred to, this vessel, cruising into this port upon an illegal expedition against the United States and intending to continue that cruise, *is an offender here;* having gained no immunity by her pretended claim, she simply remains, by British law, an illegal and criminal rover of the sea, everywhere an offender against that law, and in every new port committing, as to the new jurisdiction, a new offense.

Your excellency will observe that in the foregoing I have confined myself to a view wholly taken from imperial law. I have urged nothing from a consideration of the law of nations, nor from the obligations of treaties. These, indeed, doubtless, her Majesty's neutrality proclamation and the foreign enlistment act only illustrate and enforce. Nor can they be interpreted apart without manifest injustice.

In trust, therefore, that, upon further reflection, your excellency will reconsider your decision regarding this vessel, against which I have felt constrained to protest so earnestly,

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 38.]

Mr. Lyttleton to Mr. Blanchard.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 15, 1865.

SIR: I have the honor to inform you that I arrested four men last night who were making their escape from the ship Shenandoah. They are now in the watch-house at Williamstown, and I shall feel obliged by your sending Madden, or some other person, who may possibly be able to identify them.

I have the honor to be, sir, your most obedient servant,
THOMAS LYTTLETON, *Superintendent.*

WILLIAM BLANCHARD, Esq., *American Consul.*

[Inclosure No. 39.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

SIR: I received information yesterday from Mr. J. McFarlane, emigration officer, in reply to an inquiry, that the Shenandoah was taking in three hundred tons coal in addition to the quantity she had on board when she came into this port, which I learn was about four hundred tons, from a ship then alongside of her in the bay.

The Shenandoah is a full-rigged sailing vessel—steam is only auxiliary with her; and I cannot believe your excellency is aware of the large amount of coal now being furnished said vessel.

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.
Governor of Victoria.

[Inclosure No. 40.]

Affidavit of Michael Cashmore.

I, Michael Cashmore, of Melbourne, do solemnly declare: That on or about the second day of this month (February) I went, in company with Mr. Lawrence Cohen, of the firm of Cohen Bros., of this city, on board the confederate steamship Shenandoah, lying in Hobson's Bay; that while walking in the between-decks I was hailed by name by a man in the uniform of the ship, who was sitting with other sailors taking soup. I recognized the man to be a late digger at Scarsdale. I asked him, "Halloo! how came you here?" He said, "I joined them this morning." I asked him if he thought it a better game than gold digging. He replied, "The pay is nothing to boast of; but there is a chance of making a good deal in the shape of prize money." I said, it is a great change, and wondered how he would be able to stand it. He said, "It was nothing new, as he had been many years on board a British man-of-war." I have known this man several years, and believe him to be a Cornish-man. I do not know his name, but I can readily identify him. Mr. Lawrence Cohen was near me during this interview, and can no doubt confirm this my statement.

[SEAL.] MICHAEL CASHMORE.

Witness:

WILLIAM BLANCHARD, *United States Consul.*

MELBOURNE, *February* 16, 1865.

[Inclosure No. 41.]

Affidavit of John B. Lydserff.

I, John B. Lydserff, master of the brig Spee, of Melbourne, now in Hobson's Bay, do solemnly declare: That about fourteen days ago I went on board the Shenandoah with a view to purchase a chronometer; that I inquired if the commanding officer was on board, and if he had any chronometers for sale; that I was then directed to a person in the uniform of an officer, who said he had; that said officer gave me choice of five or six; that I selected one, "numbered 960, Fletcher, Pentonville, London," for which I paid £15; that I paid the purchase-money to a person in the uniform of an officer of said Shenandoah in the cabin of said ship; that I have a bill and receipt, but not with me at present.

J. B. LYDSERFF.

Subscribed, in duplicate, before me, this 15th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 42.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

SIR: I beg leave to call your excellency's attention to the affidavits of John Williams, Walter J. Madden, Hermann Wicke, and Charles Behucke, the four impressed seamen from the Shenandoah, heretofore forwarded to you, showing that there have been shipped some ten or twenty persons on board said Shenandoah while in this harbor.

I also forwarded yesterday to the honorable the attorney general a solemn declaration of Michael Cashmore, a highly respectable citizen of this place, showing that some fifteen days ago he was hailed by name by a person in uniform on board said vessel; that said person who hailed him was a late digger at Scarsdale, in this colony; that said person informed him he had joined that day, and that said person was taking his meals on board with the other sailors. Mr. Cashmore has informed me that neither of the four men who were arrested while escaping from said Shenandoah was the man who hailed him on board said ship.

I also left with the attorney general a solemn declaration of John B. Lydserff, master of the brig Spee, of Melbourne, now lying in Hobson's Bay, showing the sale of chronometers by the officers of said vessel while in this port, said chronometers being "prize," and the sale in violation of her Majesty's proclamation.

I am compelled to protest against said vessel being allowed to depart with men furnished her in this port, whether the men are British subjects or others.

And I again protest against the aid and comfort now being extended said vessel in this port.

I have the honor to be, your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B.,
Governor of Victoria.

[Inclosure No. 43.]

Testimony of Andrew Forbes.

I, Andrew Forbes, residing in Murphy's Cottages, Sandridge, do declare on oath: That at about four o'clock this day, while on the railway pier at Sandridge, I saw Thomas Evans, Robert Dunning, Charles Bird, William Green, and little Sam, all inhabitants of Williamstown, most if not all of them British subjects, standing on the pier, dressed better than usual; that I said to Thomas Williams, "What are you all doing over here?" that after some further conversation said Thomas Evans said, "I suppose I need not be frightened to tell you;" said Evans then told me that he was going on board the bark Maria Ross (then lying in the bay ready for sea) with the others in his company to join the Shenandoah when said Shenandoah got outside the Heads; that the boats from the Maria Ross were to come to take them on board at

5 o'clock. He also said that there were many more besides his party going the same way.

ANDREW FORBES.

FEBRUARY 17, 1865.

Subscribed and sworn to, in duplicate, before me, this 17th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 44.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 18, 1865.

SIR: I have the honor to inclose to your excellency the affidavit of Andrew Forbes, relative to the intending departure from this port of certain persons named therein to join the Sea King, *alias* Shenandoah, in violation of her Majesty's neutrality proclamation.

Mr. Forbes came to my office at about 5 o'clock p. m. yesterday. Seeing the necessity of immediate action in the matter, I took him at once to the Crown law offices to lay information before the Crown solicitor, where I had previously been directed in a communication from the office of the attorney general, of February 11, 1865, to take a witness.

It is with regret that I have to call your excellency's attention to the fact that while there, in my official capacity, I was most grossly insulted, by language and manner, by Mr. Gurner, Crown solicitor, who positively refused to receive the information I was prepared to lay before that department of the Crown. In consequence of which, I conceive the ends of justice have been defeated, and the neutrality of this port violated.

It is hardly necessary to acquaint you that I deem it my duty to send to my government a copy of this dispatch.

I have the honor to be, your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Inclosure No. 45.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE, *February* 17, 1865.

SIR: I am desired by his excellency the governor to acknowledge the receipt of your letter of this date, and to acquaint you, in reply, that a ship of war of either belligerent is, under her Majesty's instructions, allowed to take in coal sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination.

I have the honor to be, sir, your most obedient servant,

[SEAL.] H. L. WARDE,
Private Secretary.

WILLIAM BLANCHARD, Esq.,
Consul for the United States.

[Inclosure No. 46.]

Mr. Blanchard to Mr. McPherson.

UNITED STATES CONSULATE,
Melbourne, February 18, 1865.

DEAR COLLEAGUE: I have received reliable information that the Shenandoah, who has just left this port, is about to visit some of the quiet bays in your island. The officers of said vessel have been searching for a pilot who is acquainted with your coasts and bays. My opinion is, that she intends coming there with a view to complete her equipment, she having much yet to do to make her formidable. She cannot fight the guns she has on board. Be therefore on the alert.

Yours, respectfully,

WILLIAM BLANCHARD,
United States Consul.

D. MCPHERSON, JR.,
United States Vice-Consul, Hobart Town.

[Inclosure No. 47.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
February 20, 1865.

SIR: I am directed by his excellency the governor to acknowledge your letter of the 15th, and to inform you that his excellency is advised that it furnishes no ground for an alteration of the views respecting the presumed character of the ship Shenandoah, which have been already communicated to you.

I have the honor to be, sir, your most obedient servant,

H. L. WARDE,
Private Secretary.

WILLIAM BLANCHARD, Esq.,
United States Consul.

[Inclosure No. 48.]

Mr. Blanchard to Mr. Lord.

MELBOURNE, *February* 20, 1865.

SIR: Will you please give me, in writing, an account of my interview, held in your presence, with the Crown solicitor, Mr. Gurner, on Friday last, and oblige, yours,

[L. S.] WILLIAM BLANCHARD,
United States Consul.

SAMUEL P. LORD, Esq.

[Inclosure No. 49.]

Mr. Lord to Mr. Blanchard.

MELBOURNE, *February* 20, 1865.

DEAR SIR: Yours of this date is received, requesting me to give you an account of an interview held in my presence between you and Mr.

Gurner, Crown solicitor, on Friday last. In reply you must allow me to state the whole occurrences of the afternoon in connection with the affair of shipping men for the Shenandoah, which were simply these: While in your office, about 5 o'clock p. m., a man came in, out of breath, asking to see the United States consul, saying he had ran most of the way from Sandridge to report to you that there were a large number of men of his acquaintances that were about going on board the bark Maria Ross, (then lying in the bay ready to sail,) with the intention of shipping on board the Shenandoah, which vessel also was about leaving port. You stated that as the information was important and urgent, you would at once take the man to the Crown solicitor's office, where you had previously been directed by the attorney general to take similar information. You at once took a conveyance, and drove to the Crown law office. As we stopped at the gate we saw Mr. Gurner, with one of the employés of the office, coming down the yard from the door. He, on seeing us, turned partly around, and gave, in an undertone, some direction to this employé, which I did not hear. On our entering the gate, Mr. Gurner and this employé stopped half-way down the yard, and on our attempting to pass them to go into the building was accosted by the clerk, who said there was no one in, or something to that effect. When I said we should then have to trouble Mr. Gurner, as the business was urgent, and introduced you as the United States consul to Mr. Gurner, the Crown solicitor, he, without noticing or acknowledging you, said very tartly that he was going to his dinner and could not be detained; when you replied, "I come as the representative of the United States with evidence to lay before you, the Crown solicitor, of a large number of men about violating the neutrality laws of the country;" at which he replied, in a sneering and most insulting manner, "I don't care; I want my dinner, and I am going to have it; there are plenty of magistrates round town—go to them;" when I, seeing you felt bitterly the insulting manner of Mr. Gurner, and wishing to spare you a continuation of it, said, "Let us then go and see the attorney general." Mr. Gurner turned his back on us and walked off. When outside the gate and about a dozen paces down Collins street, he turned and hallooed out, "My dinner, my dinner, Lord; that is what I want." We left, and went first to the office of chief commissioner of police, and not finding either him or Mr. Lyttleton in, we drove to the houses of Parliament, and on sending your name to the attorney general, he at once came out and asked us into the side room. He patiently listened to all you had to say, and then suggested that if you would place the matter in the shape of an affidavit he would lay it before his colleagues; that a verbal statement was not sufficient for the government to proceed upon. We then left and drove to the office of the detective police, and saw Mr. Nicholson, the chief, who heard the man's statement in full, but as he could not act without a warrant, advised us to go to the police magistrate, Mr. Sturt, and get a warrant; then he would at once act upon it. Leaving there we went to the residence of Mr. Sturt, in Spencer street, who received you very politely, listened to what you had to say, examined the man, but stated that he could not take the responsibility of granting a warrant on the evidence of this man alone, and advised your going to Williamstown to Mr. Call, who perhaps would be in possession of corroborative testimony through the water police. We then left, and it being about half past seven, and you finding such a disinclination in any one to act in the matter, decided to take the deposition yourself and send it to the attorney general, leaving it to the government to take such action on it as it might deem proper.

Going to your consulate, the deposition was taken and a copy inclosed to the attorney general, with a request for me to deliver it. I took it to the houses of Parliament, which I found closed; and it being then late, about nine, I decided it was too late to stop the shipment of the men, as we understood the vessel was to leave at five, and I went home and returned the letter to you on Saturday morning. Previous to going home, however, I again went to the detective office, saw Mr. Nicholson, and told him how you had been prevented from getting the evidence before the government in the shape they required it. He expressed his regret, but could not act in so important a matter without a warrant.

I have thus given you, as near as I can recollect, the occurrences as they took place at the time you mention, and, as I believe, nearly word for word as they were uttered.

I remain, dear sir, yours respectfully,

SAMUEL P. LORD.

WILLIAM BLANCHARD, Esq.,
United States Consul, Melbourne.

[Inclosure No. 50.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFCE,
Melbourne, February 21, 1865.

SIR: I am desired by his excellency the governor to acquaint you that he received your letter of the 18th instant, in the afternoon of that day, Saturday, and that on Monday, the 20th, he caused it to be referred, through the honorable the attorney general, to the Crown solicitor for any explanation he might wish to offer.

2. After stating that it was only in consequence of his accidentally returning to his office at half past five o'clock p. m., after it had been closed for the day, that the interview between you and himself occurred at all, Mr. Gurner states that he informed you that, not being a magistrate, he could not take an information, and adds that he was in a hurry to save a railway train, and therefore left more suddenly than he otherwise should have done; but he positively asserts that neither in manner or language did he insult you.

3. His excellency feels sure that the Crown solicitor's tone and manner have been misapprehended, and confidently assures you that there was no intention on the part of that officer to fail in the respect due to your position as the consul of the United States of America.

I have the honor to be, sir, your most obedient, humble servant,

H. L. WARDE,
Private Secretary.

WILLIAM BLANCHARD, Esq.,
Consul for the United States, &c., &c., &c.

[Inclosure No. 51.]

[From the Argus of February 17, 1865.]

THE SHENANDOAH AFFAIR.

The complications in which the confederate war steamer Shenandoah is involved have, it is true, been brought to an end, so far as practical

interference with the vessel is concerned, but the political and moral questions have been by no means unraveled. Some correspondence which we print below will throw a little light on the affair, and perhaps enable our community to form an opinion for themselves as to the action taken by our local government. The main points in dispute can hardly be succinctly stated, but arise in the course of the various considerations involved. But we must first give a history of what has not yet reached our readers.

Wednesday morning, it will be remembered, found the ship still on the government slip, the manager of the slip refusing to obey the express instructions of her captain to have her launched, giving as his reason that he was ordered by the government not to let the launch proceed. The slip was then in the hands of police, whose instructions were to prevent its use for the launch of the Shenandoah "at all hazards." On the previous evening Captain Waddell had received a letter from the commissioner of trade and customs for Victoria, intimating that the facilities hitherto afforded the Shenandoah would be suspended on account of the alleged refusal by the commander to allow a magistrate's warrant for the arrest of one "Charlie," said to be on board, to be executed. To that letter the captain replied with another denying that the execution of the warrant had been refused, and stating that permission to the police to search the ship had been denied as contrary to the dignity of the confederate flag; that the vessel had been searched twice, and no "Charlie" found; and that absolutely no one had been shipped in these waters; and finally, protesting against any obstruction which would cause the detention of the vessel. On Wednesday morning, then finding his vessel still fast on the cradle of the government slip, and that the government had taken measures to prevent its removal, Captain Waddell sent his second lieutenant to Mr. Francis with this letter:

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 15, 1865.

"SIR: I am informed by the manager of the slip, upon which the Confederate States steamer Shenandoah now rests, that the slip has been seized by authority from his excellency the governor to prevent the launching of the Confederate States steamer Shenandoah, which, of necessity, is a seizure of the vessel under my command. I therefore respectfully beg to be informed if this seizure is known to his excellency the governor, and if it meets his approval.

"Very respectfully, &c.,

"JAMES J. WADDELL,
"*Lieutenant Commanding Confederate States Navy.*

"Hon. the COMMISSIONER OF TRADE AND CUSTOMS."

At 2 p. m. the same day a proclamation (published in yesterday's Argus) was made by his excellency the governor, revoking the "suspension of facilities" so far as the launch was concerned, and the following letter was addressed to Captain Waddell:

"CUSTOM-HOUSE, MELBOURNE, *February* 15, 1865.

"SIR: In acknowledging your letters of yesterday's date, and also in reply to your communication of this morning, I am instructed by his excellency the governor to inform you that the lessee of the patent slip having reported that the safety of the ship Shenandoah may be endangered by her present position on the slip, the suspension of permission

to British subjects to assist in launching the ship is withdrawn; while the further matters referred to in your letters are under consideration, and will be replied to with as little delay as possible.

"I have the honor to be, sir, your obedient servant,

"JAMES G. FRANCIS.

"J. J. WADDELL, Esq.,

"*Lieut. Commanding Confederate States Steamer Shenandoah.*"

Accordingly the vessel was launched and taken to a spot midway between Williamstown and Sandridge, where she now lies. At a late hour, after eleven o'clock that night, the following letter was received by the commander of the Shenandoah:

"CUSTOM-HOUSE, MELBOURNE, *February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the dispatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been dispatched at five minutes before ten o'clock.

"It thus appears plain, as a matter of fact, that the foreign enlistment act was in course of being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as 'commanding officer of the ship, and on behalf of your government, whose faith is pledged by the assurance, that there are no persons on board this ship except those whose names are on our shipping articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the directions issued yesterday suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add, it is expected that you will exercise every dispatch, so as to insure your departure by the day named in your first letter of yesterday, viz., Sunday next.

"I have the honor to be, sir, your obedient servant,

"JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,

"*Lieut. Commanding Confederate States Steamer Shenandoah.*"

It was too late to reply that night, but the next morning the following reply was forwarded to the government:

"CONFEDERATE STATES STEAMER SHENANDOAH,

"*Hobson's Bay, February* 16, 1865.

"SIR: I am in receipt of your communication of yesterday's date, and desire to convey, through you, to his excellency the governor my appreciation and thanks for his observance of the rights of belligerents; and further to assure his excellency the governor that every dispatch is being made by me to get the Shenandoah to sea at the earliest possible moment.

"The four men alluded to in your communication are no part of this vessel's complement of men; they were detected on board by the ship's police after all strangers were reported out of the vessel, and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been dispatched informing his excellency the governor that there were no such persons on board. Those men were here without my knowledge, and I have no doubt can be properly called stowaways, and such they could have remained but for the vigilance of the ship's police, inasmuch as they were detected after the third search; but in no way can I be accused, in truth, of being cognizant of an evasion of the foreign enlistment act.

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government.

"Very respectfully, &c.,

"JAMES J. WADDELL,

"*Lieutenant Commanding, C. S. N.*

"Hon. the COMMISSIONER OF TRADE AND CUSTOMS."

In consequence of the permission granted in Mr. Francis's last letter, coaling was proceeded with, and yesterday over two hundred tons and a quantity of stores were put on board. Officers and men were all intensely busy, and coal-dust seemed to fill the atmosphere. It will take at least two days more to properly complete the stores, but yet it is not absolutely certain that Captain Waddell will wait for that.

Before quitting the subject, it will be well to give a few statements in respect to the aspect of affairs. It is evident, from Mr. Francis's last letter, that the government claim to have permitted the launch because "Charlie" had been taken, while Captain Waddell claims that such a course was forced on them by his threat to accept the detention of the vessel on the government slip as a seizure. This is certainly a moot point. Captain Waddell's explanation of "Charlie's" discovery is, to say the least, a highly natural one, especially as the fact of the arrest of the four men does not appear to have reached the Shenandoah, so jealously is she guarded, till Wednesday night. He says that a remark made by one of his men, and reported to him after it had gone through several hands, first aroused his suspicion that the two searches made had not been complete. One of the men had been heard to say that he knew where a man was, and thereupon a third search was ordered, and the four men discovered. They were ordered ashore directly, Captain Waddell not thinking it worth while to hand them over to the police, seeing that the men were sent into the waterman's boat under the nose of the water police, and that rows of armed constables flanked the vessel on each side and patrolled on long platforms running within ten feet of the ship. In his last letter he has, in his opinion, closed his correspondence with the government, and to his friends he has asserted that in the whole course of his twenty-one years' experience in the navy of his country he never knew of communications on these subjects between a vessel of war and anybody but the representative of the imperial government. It is not improbable that, had the communication been between the commander and his excellency, Mr. McCulloch would scarcely have ventured on his assertion to the legislative assembly, that a foreign vessel of war had been "ordered" to leave the port.

[Inclosure No. 52.]

[From the Herald of February 20, 1865.]

The confederate cruiser Shenandoah left Hobson's Bay at about 6 a. m. on Saturday, and was seen during the afternoon outside the Heads by the schooners Sir Isaac Newton and Zephyr. She steamed up to the former, and hoisted an English ensign, which on being answered with a like flag, she stood off again; when the Zephyr saw her at a later hour of the day, she was hove to off Cape Schanck. Several rumors are afloat that the Shenandoah shipped or received on board somewhere about eighty men just prior to leaving. We have since been informed that she took away a large number, but not equal to that above stated.

[From the Argus of February 20, 1865.]

We may now speak of the confederate war steamer Shenandoah as something that has come and gone. With all the sympathy we may have had with her as the representative of those who are gallantly fighting against long odds, she, in the fulfillment of a warlike errand, was most unwelcome in our still peaceful port, and we are unfeignedly glad of her departure. She left before the time named to our local government by her commander when a demand was made that the period of her leaving should be fixed at as early a date as was possible; but Captain Waddell was anxious to be better than his word. Before the detention on the government patent slip he promised to be away, if possible, by Sunday,

and by dint of working double tides, night and day, he managed to steam away shortly after daybreak on Saturday last. At first she started at half-speed, and fired a gun or so to give notice of her departure; but nothing followed, and we are informed that she passed Gellibrand's Point at full speed, and was quickly out of sight. Her machinery was little more than patched up, for it was nearly imperative that the pinion nearest the screw-shaft should be renewed, but Messrs. Langlands & Co. made "a good job" of their repairs, and the ship has consequently considerable speed. Our latest news of her represents her as having cleared the Heads at noon, steering southwest for about twenty miles, when she altered her course to south, and was lost sight of in thick mist at half past two p. m. Of the various ridiculous stories that are told of the circumstances that attended her departure, we shall only contradict one, viz., the reported arrival on board, at two on Saturday morning, of Captain Semmes, late of the Alabama, said to have arrived under a feigned name in the Great Britain. That remarkably enterprising and gallant commander is, we are informed by those most likely to know, by this time in the Confederate States; his health having been seriously impaired by the energy and zeal which characterized the performance of his mission, and the effects of his submersion after the engagement between the Alabama, C. S. N., and the Kearsarge, U. S. N. It is not to be denied, however, that during Friday night a large number of men found their way on board the Shenandoah, and did not return on shore again. It is not improbable yet that we shall have further news of the Shenandoah.

[From the Herald of February 20, 1865.]

The confederate ship Shenandoah, Captain Waddell, got up steam and left Hobson's Bay at six o'clock on Saturday morning. During her stay in port several repairs have been effected, and a quantity of provisions and coals have been shipped. There is no doubt that she has taken away with her several men from this colony; report says eighty, but that is probably an exaggeration. The neglect of the attorney general in not replying to Captain Waddell's question as to the extent of the neutral limit has apparently absolved that commander from responsibility so far as carrying on hostile operations outside Port Philip Heads is concerned, for, according to our shipping report, the Shenandoah steamed up to the schooner Sir Isaac Newton, evidently with the intention of overhauling her had she happened to be a Yankee vessel.

[From the Age of February 20, 1865.]

The Shenandoah left Hobson's Bay at six o'clock on Saturday morning. It is currently reported that she shipped some eighty men just prior to leaving. At a late hour on Saturday she was hove to off Cape Schanck.

The police on Saturday received the following information relative to an attempt made to enlist men for the confederate service on board the confederate steamer Shenandoah. About half past four o'clock on Saturday afternoon a man, who gave his name and address as George Kennedy, 125 Flinders lane east, called at the police office, in Russell street, and stated that, having seen an advertisement in the Argus, he called on the advertiser, "Powell," with whom was another man, whose name he did not know. He remained in their company for several hours, during which time they supplied him with drink, and endeavored, by every kind of persuasion, to induce him to join the confederate service on board the Shenandoah, for which purpose they also conducted him to the wharf,

and desisted from their efforts only when he openly stated his intention of reporting the matter to the authorities. Kennedy further stated that, when the men were using their endeavors to get him to join the Shenandoah, there were several other persons present who accepted their offers, and whom he now believes to be on board that vessel. A warrant has been issued by the Melbourne bench for the apprehension of the offenders.

[Inclosure No. 53.]

NEWSPAPER EXTRACTS, ETC.

[From the Herald of January 26, 1865.]

A CONFEDERATE WAR STEAMER IN HOBSON'S BAY.

Considerable interest was manifested yesterday morning in the city by an announcement posted at the telegraph office that the auxiliary screw steamer Royal Standard had been signaled off Cape Otway after an extraordinary run of fifty-two days from Liverpool. The news was speedily promulgated through the city, and the arrival of the vessel in Hobson's Bay was anxiously looked forward to. Late in the afternoon, when the steamer had arrived at Port Phillip Heads, a telegram was received by the chief secretary, announcing that the steamer reported was not the Royal Standard, as supposed, but the confederate man-of-war Shenandoah, of eight guns. The vessel at once proceeded up the channel and anchored in the bay, at a few minutes before seven o'clock, flying the confederate flag. The intelligence that a vessel of the confederate navy had arrived in our waters was speedily made known, and several boats put off to the Shenandoah, but Captain Waddell, the commander, positively declined to allow any person to come on board until such time as he had communicated with the shore. As soon as possible Lieutenant Grimble, one of the officers, was dispatched to Toorak, to wait upon his excellency the governor, and request that the vessel might remain for a certain period in neutral waters, for the purpose of coaling and repairing her machinery. The Shenandoah is a steam-vessel of 1,160 tons, 240 horse-power, and carries eight large guns. She is commanded by Captain James Waddell, and the following is a list of her officers: Lieutenants W. C. Whittle, John Grimble, J. S. Lee, F. T. Chew, D. M. Scales; master, J. M. Bullock; chief engineer, M. O'Brien; surgeon, C. E. Lining; acting paymaster, W. B. Smith; passed midshipmen, O. A. Brown and J. T. Mason; assistant surgeon, F. J. M'Nulty; assistant engineers, W. H. Codd, J. Hutchinson, E. Muggofeny; master's mates, C. E. Hunt, J. F. Miner, L. Calbon; boatswain, G. Harwood; carpenter, J. O'Shea; gunner, J. L. Guy; sailmaker, Henry Alcatt; second carpenter, John Lynch. In addition to these officers she has a crew of seventy-five men. The Shenandoah has been at sea since the 15th of October last, and during that time she reports having captured and burned no less than eleven federal merchantmen. The crew of the Shenandoah has been partly made up from the men on board the various prizes. The men are a fine and determined looking set of fellows. The uniform worn is a sort of yellowish gray, with a shoulder-strap of blue silk bearing a single star, surrounded by a thin gold cording. The cap is also gray, with a broad gold band. The Shenandoah, we believe, has been off the Australian coast for the last ten days, and on her arrival off the Otway yesterday she failed to run

up any colors, as the captain did not wish to be reported by the vessels going out. We believe that under a recent proclamation the Shenandoah will not be allowed to remain in the port more than forty-eight hours.

[From the Argus of February 23, 1865.]

Since October last the history of the Shenandoah has been an eventful one. There is no doubt she is identical with the Chinese Clyde-built steam-clipper Sea King, noted for her speed, and which, when she brought troops to Auckland last year, made one of the shortest trips on record. As far as we can gather, the transformation of an English merchant steamer into a Confederate States man-of-war took place thus: The Laurel—blockade runner—started from Liverpool with a cabin full of "likely-looking young men," as the pilot called them, on the 8th of October last, and Friday, the 14th, saw her in Funchal Bay, Madeira. The "passengers" did not go on shore, and were believed by the Madeira folks to be "Polish emigrants." Three days afterward a large steamer, ship-rigged, steamed in and then out the harbor, the Laurel following to the east side of the island, both flying British colors. Here, it is said, the strange ship was purchased for £45,000, and the passengers and cargo of the Laurel transferred to her. The Laurel then went her way, and the strange steamer stood out to sea, none of the packages brought by the Laurel being broken. When beyond the neutral marine league from shore, Captain Waddell summoned the men aft and read his commission as commander of the confederate sloop of war Shenandoah, ordered to cruise and destroy the enemy's commerce. At that time twenty-five men constituted the whole crew, a number which, deducting officers, left five men to each watch. To put his ship in order and arrange its armament were the first things Captain Waddell set about doing. Sailing by day and steaming by night, the ship, now called the Shenandoah, was taken to a quiet place in the "trades," and then, comparatively secure from the enemy's cruisers, men and officers set to work with a willing mind to get her in trim. This done, the Shenandoah entered into her functions, selecting for her cruising ground the track of vessels bound for the South American ports. Success attended her. Her plan was, when she crossed a vessel, to show English or French colors and fire a gun; after which, if the other proved to be a Yankee, she was taken and destroyed, and her captain and crew made prisoners. The following is a correct list of the vessels captured and destroyed by the Shenandoah:

Alina, bark, Staples, master, from Akyab to Buenos Ayres, cargo of railway iron. Scuttled 29th October, latitude 16° 47′ north, longitude 16° 43′ west.

Charter Oak, schooner, Gillman, master, from Boston for San Francisco, assorted cargo. Burned 5th November, latitude 7° 38′ north, longitude 27° 49′ west.

D. Godfrey, bark, Hallet, master, from Boston to Valparaiso, assorted cargo. Burned 7th November, latitude 6° 28′ north, longitude 27° 6′ west.

Susan, brig, Hansen, master, from New York to River Plate. Scuttled 10th November, latitude 4° 20′ north, longitude 26° 39′ west.

Kate Prince, for Bahia, neutral cargo, (coals.) Ship bonded 12th November.

Adelaide, bark, of Baltimore, to River Plate, neutral cargo. Ship bonded for $23,000.

Lizzie M. Stacey, schooner, New York to Sandwich Islands, assorted cargo. Burned 13th November, latitude 1° 40′ north, longitude 28° 24′ west.

Edward, whaling vessel. Burned 4th December, latitude 37° 47′ south, longitude 12° 30′ west.

Delphine, bark, from London for Akyab. Burned 29th December, latitude 29° 10′ south, longitude 69° east.

The larger portion of the sailors taken prisoners volunteered to join the Shenandoah, and were accepted; the remainder, all but a few, were transshipped to other vessels met with on the high seas. The remnant were eight men, besides Captain Nichols, of the Delphine, and his wife and stewardess, who were brought hither. Unassisted, but unimpeded, they made their way out of the Shenandoah very shortly after the vessel's arrival in Hobson's Bay, and before the permission to land them, for which application was made to the government, could be afforded.

* * * * * * * * *

About this time, and in answer to a hint from the government respecting the need of an early departure, Captain Waddell addressed the government thus, in one of his letters:

"I am extremely anxious to get the Shenandoah to sea. The procrastination by the parties employed under his excellency the governor's permission for the necessary repairs to this ship, seems to me unnecessary; and if I appeal to his excellency the governor for further instructions to those employed to hurry up the work on this ship, I hope his excellency the governor will see in it the spirit of a law-abiding man, and one impatient to be about his country's business."

The government, by their action, appeared to admit the necessity of the delays, and not till twelve days after the ship had been in port asked that a day should be named for her departure. Captain Waddell again replied that the delays were caused by the difficulty of getting the vessel on the slip, and the notorious effects of some severe gales, which once caused the Shenandoah to get adrift, and nearly occasioned very serious damage. These reasons were apparently admitted to be good, and eventually, on the 14th of February, Captain Waddell announced to Mr. Francis that he expected to get to sea by the Sunday following. Hitherto the only public expression of ill feeling emanated from Mr. Berry, a member of the lower house of legislature. In his place in the legislative assembly he called the attention of the government to the subject, stating that the Shenandoah, being in reality the Sea King, and an English vessel, should be seized under the neutrality proclamation. In reply, the chief secretary pointed out that there was nothing which could be accepted as proof of the honorable member's assumption, and Mr. Berry received an unmistakable snubbing at the hands of several other members of the house, including Mr. O'Shanassy, whose remark that Mr. Berry might as well have let the matter alone was cheered in all parts of the house.

* * * * * * *

The instructions given to the police will be best described in the following telegram:

"*Telegram from Mr. F. C. Standish, chief commissioner of Victoria police, to Mr. Beaver, police inspector, stationed at Williamstown.*

"I have to direct that you communicate with Mr. Chambers, the lessee of the patent slip, that the governor in council has given directions that he and all other British subjects in this colony at once desist from

rendering any aid or assistance, or perform any work, in respect to said classed confederate ship Shenandoah, or in launching the same. You will at once proceed with the whole of the police at your disposal to the patent slip, and prevent, at all risks, the launch of the said ship. Superintendent Lyttleton and fifty men, also fifty of the military, proceed at once to Williamstown, telegraphing anything that may occur direct to me.

"F. C. STANDISH.

"TUESDAY, 14, 1865."

The military—fifty men of the royal artillery—started, but were countermanded. When affairs were at this stage Captain Waddell received a letter from Mr. Francis, on behalf of the government, charging him with having refused permission to execute the warrant, and calling upon him to reconsider his determination, pending which the permission granted to repair and take supplies was suspended. Captain Waddell at once replied that the execution of the warrant had not been refused, but only permission to search the ship, whose deck represented the majesty of the flag that flew over it. He added, moreover, that the shipping articles had been exhibited to show that no one had shipped while the vessel was in port, and that he had ordered two commissioned officers to search the ship, but they had found no strangers. He concluded by entering, in the name of his government, his solemn protest against any obstruction that would cause the detention of his ship. The day's proceedings were closed by the captain giving orders for the launch of his ship early next morning.

An episode occurred here that belongs to this narrative. At a few minutes after 9 p. m. on that evening, the police, who were stationed all round the vessel and within a very few yards of her, saw four men come down the gangway into a boat alongside. The water police close by followed this boat, which was rowed swiftly away, but the end was that the four men were arrested on shore and subsequently identified by some deserters as men whom they had seen concealed on board, one being the identical "Charlie." Next day they were brought before a magistrate and remanded until the following day, Thursday.

Meanwhile, on Wednesday morning, Captain Waddell, finding that the launch of his ship, which was securely fast on the patent slip, was prevented by order of the government, wrote at once to Mr. Francis, declaring his vessel to be seized, and asking if the governor approved of this. At forty-five minutes past one o'clock, on the same day, the governor, by proclamation, revoked the prohibition of the launch, and a letter from Mr. Francis to Captain Waddell intimated that as it was reported that the safety of the ship was endangered by her position on the slip, the suspension of the permission to British subjects to assist in the launch was withdrawn. In consequence the ship was launched the same evening. Late at night Captain Waddell received the following communication:

"CUSTOM-HOUSE,
"*Melbourne, February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States, in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant, in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the dispatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been dispatched at five minutes before ten o'clock.

"It thus appears plain, as a matter of fact, that the foreign enlistment act was in course of being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as 'commanding officer of the ship, and on behalf of your government, whose faith is pledged by the assurance that there are no persons on board this ship except those whose names are on our shipping articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the directions issued yesterday, suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add, it is expected you will exercise every dispatch, so as to insure your departure by the day named in your first letter of yesterday—viz., Sunday next.

"I have the honor to be, sir, your obedient servant,

"JAMES G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding*
"*Confederate States Steamer Shenandoah.*"

To this Captain Waddell replied next day by thanking his excellency the governor for his observance of the rights of belligerents, denying that the men arrested formed any part of his complement, but were stowaways, detected after a further search, and at once ordered over the side, and declaring that in no way could he be accused of an evasion of the foreign enlistment act. He ended thus, addressing himself to Mr. Francis:

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government."

This closed the correspondence between Captain Waddell and the government.

[Inclosure No. 54.]

Testimony of Edward P. Nichols.

MELBOURNE, *February* 3, 1865.

Testimony of Edward P. Nichols, 2d mate of the late bark Delphine:

I, Edward P. Nichols, do solemnly declare that I am a citizen of Searsport, Maine, and have sailed on board bark Delphine from the 23d day of March, 1861, up to the 29th day of December, 1864; that she sailed from Gravesend on the 12th October, 1864, bound to Akyab; that everything went on well until the 29th December, when we saw a ship on our lee bow, steering a little more to the southward than we were. As we came up with her she had every appearance of a merchant ship. After awhile she hoisted the English ensign, and we hoisted the American ensign. She being very near in our course we ran across her stern, and as we opened out to leeward, we saw her guns. She then fired a gun and hoisted the confederate flag, having hauled down the English flag a short time before; that we immediately hove to; that they then sent a boat to us with two officers and boat's crew; that one officer went to Captain Nichols and asked him to show his papers; that after looking at the papers he sent the captain and first mate on board the steamer with the other officer, leaving an officer and one man on board armed with cutlass and revolvers; that Captain Nichols was brought back with orders to pack up his clothes, and all on board were ordered to do the same; that they took all cabin stores, liquors, charts, nautical books and instruments, and sent them on board of the steamer, with all hands that belonged to the Delphine; they then set fire to the Delphine, and that is the last I know of her; that after I got on board of the Shenandoah, as they said she was called, we were (the captain, mate, and myself) told to sign a parole not to bear arms or do anything against the confederate cause; that two days before we landed we had a second parole brought for us to sign, with an addition to the first, that we would give no information that we might have gained while on board, and were told that that meant if we knew where she was going to keep it quiet; but I will say this, and not break the parole, that her life buoy had the name Sea King; that her knives, forks, spoons, all bore the name Sea King; that I heard the officers say she was out on this coast (Australia) last year with troops; that I heard the officers say, when they heard the report that was in the papers stating that the Sea King ran on a rock and was

lost; "A sharp man, that fellow; but she is not lost yet, for here she is, going into Melbourne under the name of Shenandoah."

EDWARD P. NICHOLS,
2d Mate of the late Bark Delphine.

Subscribed and sworn to before me in duplicate this 3d day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul.

[Inclosure No. 55.]

Testimony of Edward T. Lingo.

I, Edward T. Lingo, of St. Louis, Missouri, do solemnly declare on oath that I shipped as steward, with my wife as stewardess, on the 1st day of October, 1864, on board the American bark Delphine, in London, England; that I sailed in said capacity on board said bark from London on the 12th of October, 1864; that nothing unusual occurred until the 29th day of December, 1864, when we fell in with a steamship flying the English ensign. Said steamer fired a blank shot for us to heave to, at the same time lowering the English ensign and hoisting a confederate flag; that the said bark was then boarded by an officer in uniform from a boat from said steamer, the two officers of which boat were armed; that the said boarding officer, who I afterwards learned was named Bullock, ordered Captain Nichols and the first mate to take all the ship's papers and go on board said steamer; that Captain Nichols and the mate did so, said Bullock taking charge of said bark during their absence; that afterwards said Bullock ordered all hands to pack up and go on board said steamer, which order I and my wife and all hands obeyed; that after going on board said steamer I was told by Mr. Whittle, first lieutenant, that I could take my choice either to remain in the cabin of said steamer, wait on Mr. and Mrs. Nichols and others, or go in irons; that I then consented to serve as he said to avoid punishment; that I remained on board said steamer, serving as aforesaid, until the steamer arrived in the port of Melbourne, where I signed a parole, and was then allowed to come ashore.

E. T. LINGO.

Subscribed and sworn to in duplicate before me this 11th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Inclosure No. 56.]

Testimony of Mary Lingo.

I, Mary Lingo, wife of Edward T. Lingo, of St. Louis, Missouri, and stewardess on board late bark Delphine, do declare on oath that I shipped as stewardess on board the bark Delphine, in London, on the 1st October, 1864; that I sailed from London in the said bark about the 12th October, and that nothing unusual occurred until the 29th December, 1864, when the said bark was boarded by armed men from a steamer,

and I, with the rest of the crew, was ordered on board said steamer by a person in uniform, who I afterwards learned was Mr. Bullock, an officer of the Confederate States of America; that upon going on board said steamer I learned first, from a boy called James on board, that said steamer was called Shenandoah, and that she sailed from London as Sea King; that I found Sea King on the plate and table-cloth; that I have now with me a knife marked "Sea King," also a fork marked "Sea King," which I brought from said vessel when I left her in the port of Melbourne, on the 29th January, 1865, and which I now produce.

MARY LINGO.

Subscribed and sworn to in duplicate before me this 16th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[For reports of proceedings in the legislative council at Melbourne, relative to the Shenandoah and trial of Shenandoah recruits, see Parliamentary and Judicial Appendix, No. 22.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 25, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, and its inclosures, respecting the Shenandoah; and I have to state to you that your representations shall be duly considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Wilding to Mr. Seward.

No. 554.] UNITED STATES CONSULATE,
Liverpool, November 7, 1865.

SIR: I have the honor to inform you of the arrival at Liverpool, yesterday morning, of the pirate steamer Shenandoah.

I immediately telegraphed to Mr. Adams, informing him of her arrival, but have not yet been instructed by him to take any official action concerning her, besides writing him an official letter, informing him of the fact, which I did last evening.

The vessel arrived off the bar on Sunday night, and in the attempts to run in grounded on the bar, where she remained several hours. She arrived in the Mersey about eleven yesterday morning. She arrived with the confederate flag flying, but hauled it down soon after entering the river. Her guns are below in cases, and she has a crew of 133 men. I am informed, also, that she has a number of chronometers on board, taken from vessels she has destroyed.

Soon after I had telegraphed to Mr. Adams, I called on the collector of customs, Mr Gardner, to ask if he had heard of her arrival. The collector being absent, his deputy told me he had heard, and had telegraphed to

London for instructions. As he promised to let me know the purport of the answer he might receive, I called again later in the day, but up to a quarter to five he had received no reply. While with him the first time, he informed me that he had sent officers on board; and while with him the second time he told me that he had sent a request to her Majesty's ship Donegal, to the commanding officer, the captain being absent, to prevent the Shenandoah going out again if she attempted it.

In this morning's Liverpool papers it was stated that the Shenandoah had surrendered to the commander of the Donegal, and the captain and crew had landed and dispersed.

This morning I called on the collector (who had returned) to learn whether he had received any instructions. He asked me whether I came officially or privately, and I said, as I had received no instructions, I must say privately. He was very courteous and candid; said he had received no instructions, but expected to do so in the course of the day, and would let me know if he did.

I called his attention to the report in the papers. He said he did not think there had been any surrender; that men from the Donegal were on board the Shenandoah, but were there to assist his men; that the commander of the Donegal might have received orders from the admiralty, but he, the collector, was not aware of any. In calling his attention to the report, I remarked, that if it were true, it appeared to me strange that the commander of the Donegal should permit the captain or crew, or anything, to leave the Shenandoah.

From inquiries I have made, I am satisfied that the statement of the crew having left is untrue. The captain landed soon after the ship arrived, but returned on board last night. He came ashore again this afternoon, and ordered the boat (customs) to attend to take him back in two hours.

Four of the crew were ashore all night, but returned on board this morning.

I understand that no communication with the vessel is permitted, except by the customs boats.

Although her arrival is very much talked about, I cannot say there is much excitement about it, and I think most people would approve of the captain being dealt with and delivered up as a pirate.

Very respectfully, I am, sir, your obedient servant,

H. WILDING.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 1082.] LEGATION OF THE UNITED STATES,
London, November 9, 1865.

SIR: At about one o'clock on Monday, the 6th instant, I received from Mr. Wilding, the vice-consul at Liverpool, a telegram announcing the fact that the steamer Shenandoah was then coming up the Mersey to Liverpool.

At three o'clock of the same day I repaired to the Foreign Office for the purpose explained in my dispatch No. 1080, of this date. When my turn came to meet Lord Clarendon, almost the first thing he said to me was to mention that such a story had just come to him from the admiralty. He seemed to be utterly incredulous. I replied that I had

received precisely the same intelligence with that which he had described. I had only been waiting for a complete confirmation of it in a formal letter from the consul, to make it the basis for a note which I should draw up and transmit to him on the next day. He replied, that in case the statement should prove true, he should be prepared to receive and consider the communication which I might send. With a few more informal comments upon the nature of this news, the conversation dropped. Subsequently, I received a private note from his lordship confirming the account, and adding that the steamer had been taken possession of by her Majesty's steamer Donegal.

Having received the desired report from the vice-consul, I addressed on the next day a note to Lord Clarendon, a copy of which is herewith transmitted.

I took for my basis the substance of the doctrine contained in your dispatch to Sir Frederick Bruce of the 19th June, 1865, adapting it, so far as I could, to the immediate circumstances.

The character in which the Shenandoah may be viewed here by the British government, as well as by ourselves, being two-fold, I endeavored to avoid the necessity of defining it. If I had made the claim to the vessel on the score of its having been a confederate, it would have appeared virtually to recognize the justice of the recognition of it heretofore by the British government. If I had demanded it as a pirate, preying upon our commerce, the answer might be that it was in that capacity amenable to the law of Great Britain, and might therefore be retained here, subject to the ordinary process of forfeiture in the courts. My object has been to make the demand in such a shape as to throw the responsibility of the designation of the cause of delivery entirely upon the British government, without committing us to it in any manner.

So also with the men. I foresaw that if I claimed them as pirates under the extradition treaty, the answer that I should get would be a call for proof before the courts, and the consequent re-enactment of the comedy performed in the similar claim heretofore made for the delivering of Ternan, &c. If I claimed them as prisoners, the reply would be still more prompt and conclusive, the war being admitted to be entirely at an end.

After a careful reflection upon these difficulties, and also upon the fact that a heavy responsibility necessarily must devolve upon myself whenever I am compelled to anticipate the views of the government, (hence the greater necessity of extreme caution,) I concluded that the best course would be to lay the onus of a decision upon the government here, whilst I should hold it up to its responsibility if it should fail to fulfill the just expectations of the United States by permitting the escape of these men with impunity. The consequence may be, if I am to judge by the tone of a leader in the Times of the 8th instant, a copy of which I send, a trial of some of the men under the enlistment act, and of others, perhaps, as pirates, all of which will probably turn out a farce, as all preceding appeals to the judicial tribunals have been during this struggle. In either event, the full responsibility will rest upon this country.

Since the preceding lines were written I have received an official note from Lord Clarendon confirming the substance of his private note. A copy is herewith transmitted. Thus the matter stands yet between us.

Yet I yesterday received from Mr. Wilding, the vice-consul at Liverpool, a telegraphic dispatch stating that he had received by an officer of

her Majesty's steamer Donegal, a note from Captain Paynter to the following effect:

"In compliance with instructions received from the Secretary of State for the home department of her Majesty's government, I am, in conjunction with the collector of her Majesty's customs, directed to deliver over to you the Shenandoah (late confederate cruiser) with all stores, &c., as surrendered by Captain Waddell, her late commander. I beg to inform you that she is ready to be transferred to your charge, and request you will be pleased to take possession of her."

Mr. Wilding asked me to instruct him what to reply to this note.

Inasmuch as no response had been made from the Foreign Office to my request, other than a formal one, and no grounds assigned for the delivery, this step, evidently coming from another department of the government, seemed to me a little precipitate; yet as I saw no valid reason for declining the tender, I directed Mr. Wilding to accept the vessel when delivered, and take charge of her at least until further instructions.

I have just received from Mr. Dudley, who has arrived at Liverpool, notice that the vessel is now in his charge.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to the Earl of Clarendon.

[Delivered at the Foreign Office at 2.40 p. m., November 7, 1865.]

LEGATION OF THE UNITED STATES,
London, November 7, 1865.

MY LORD: I have the honor to submit to your consideration the copy of a letter received by me from the vice-consul of the United States at Liverpool touching the arrival yesterday of the vessel known as the Shenandoah at that port.

Although necessarily without special instructions relative to this case, I do not hesitate to assume the responsibility of respectfully requesting of her Majesty's government to take possession of the said vessel with a view to deliver it into the hands of my government in order that it may be properly secured against any renewal of the audacious and lawless proceedings which have hitherto distinguished its career.

I perceive by the terms of the vice-consul's letter that some of the chronometers saved from the vessels which have fallen a prey to this corsair are stated to be now on board. I pray your lordship that proper measures may be taken to secure them in such manner that they may be returned on claim of the owners to whom they justly belong.

Inasmuch as the ravages of this vessel appear to have continued long after she ceased to have a belligerent character, even in the eyes of her Majesty's government, it may become a question in what light the persons on board and engaged in them are to be viewed before the law.

The fact that several of them are British subjects is quite certain. Whilst I do not feel myself prepared at this moment, under imperfect information, to suggest the adoption of any course in regard to them, I trust I may venture to hope that her Majesty's government will be induced voluntarily to adopt that which may most satisfy my country-

men, who have been such severe sufferers, by its disposition to do everything in its power to mark its high sense of the flagrant nature of their offenses.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL OF CLARENDON, &c., &c., &c.

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, November 6, 1865.

SIR: I beg to inform you of the arrival at this port, this morning, of the pirate steamer Shenandoah. She is now anchored in the sloyne in the river Mersey. She arrived with the confederate flag flying, but lowered it soon after entering the river. She has a crew of one hundred and thirty-eight men, as near as I have been able to learn, and has on board a number of chronometers taken from vessels destroyed. I shall be glad to receive your instructions concerning her.

I am, sir, very respectfully, your obedient servant,

H. WILDING.

His Excellency CHARLES FRANCIS ADAMS, &c., &c., &c.

The Earl of Clarendon to Mr. Adams.

[Received at 3.45 p. m., November 8, 1865.]

FOREIGN OFFICE, *November* 7, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day, having reference to the arrival at Liverpool of the late confederate steamer Shenandoah, and I lose no time in confirming to you officially what I stated to you yesterday evening privately, that the Shenandoah was yesterday given up by her commander to her Majesty's authorities at Liverpool, and that she is now in the custody of her Majesty's naval force at that port.

I have to add that the other points adverted to in your letter will receive immediate attention, and I hope shortly to be able to communicate further with you on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[From the London Times of November 8, 1865.]

The reappearance of the Shenandoah in British waters at the present juncture is an untoward and unwelcome event. When we last heard of this notorious cruiser she was engaged in a pitiless raid upon American whalers in the North Pacific, and several war steamers of the

United States were stated to be in pursuit of her. It was also reported, though somewhat vaguely, that our own naval commander on that station had offered any assistance in his power, and little doubt was entertained of her speedy capture. The next thing that we learn is that she has entered the Mersey under the confederate flag; that she is alongside and in charge of her Majesty's ship Donegal, and that Captain Waddell has forwarded a letter to Lord Russell. Whatever be the contents of that letter, this act is obviously equivalent to a surrender of the vessel to the government of Great Britain, as the Stonewall was surrendered to the Spanish authorities at Havana. The time which has elapsed, however, since the termination of the war, and the conduct of Captain Waddell during this interval, constitute very material points of difference between the two cases, and render it necessary to consider that of the Shenandoah exclusively on its own merits.

It is fortunate that in this instance nothing practically turns on the original equipment of the ship thus placed in our hands. In a certain sense it is doubtless true that the Shenandoah was built and manned in fraud of our neutrality, for those who gave the order for her construction and engaged her crew must have been well aware of her real destination. But it is also true, as Lord Russell pointed out in one of his letters to Mr. Adams, that when she cleared for China as a merchant ship, under the name of the Sea King, not a tittle of evidence was offered on behalf of the United States or any other party to justify her detention. Arms were afterwards sent out in a French vessel to a rendezvous at sea, and the Sea King assumed the character of a confederate man-of-war; but it is far from certain that, even if all that is known now had been known then, a conviction could have been obtained against her under our own or the American foreign enlistment act. At all events, she has since been received as a public ship of the Confederate States in one, at least, of our colonies; and although this circumstance would not avail to screen any individuals who may have conspired to violate our law in respect of her, it would be too late to discuss the validity of her claim to shelter during the war. Had the Shenandoah arrived at Liverpool at the beginning of this year, it must be assumed that she would have been entitled to the benefit of the regulations then in force as to the reception of belligerent vessels. According to these she would have been required to depart within twenty-four hours, unless either stress of weather or the want of immediate supplies should have made a longer stay absolutely needful, but no federal ship of war would have been allowed to start in pursuit of her within twenty-four hours.

It is, of course, self-evident that she now presents herself under wholly different conditions. Not only has she lost the character of a lawful cruiser by the collapse of the power by which she was commissioned, but she has forfeited the temporary privileges reserved to vessels in the confederate service by Lord Russell's notice of the 2d of June. At any time within a month after the receipt of that dispatch in any colonial port, it would have been competent for Captain Waddell to invoke the benefit of it, "divesting his vessel of her warlike character, and, after disarming her, remaining without a confederate flag within British waters," subject, however, to all legal risks, one of which would have been a claim of ownership on the part of the United States government. As it is, the month of grace has long since expired, and the Shenandoah stands in the same position as if it had never been granted. What, then, is this position, and what consequences does the fact of their having carried on war for months after the fall of the confederacy

entail upon Captain Waddell and his associates? These are two very different questions, and questions of very unequal difficulty. It is much to be regretted that either of them has been raised in this country instead of in America, and that no federal man-of-war succeeded in capturing the Shenandoah before she cast herself, as it were, upon our mercy. Having been raised, however, both issues must be honestly faced, and we may be sure that, whatever it may involve, strict justice will be done by the government and tribunals of England.

With regard to the Shenandoah herself, we apprehend that little hesitation can be felt. On every principle of law she belongs to that government which has succeeded to all the rights and all the property of the *de facto* confederate government. This doctrine is laid down very clearly by Vice-Chancellor Page Wood in the decision which has been so much criticised of late in America; but in truth it is scarcely more than a rule of common sense. Lord Russell did not affect to overide it by the provision in his dispatch for the disarming of confederate vessels in our ports, but, on the contrary, facilitated the application of it through a resort to the proper civil tribunals. The captain general of Cuba doubtless acted on the same view when he delivered over the Stonewall to the agents of the United States; nor, indeed, is it easy to imagine on whose behalf any counter claim could be preferred. What may be the technical formalities to be observed in the transfer is a matter of very little importance. Whether we ought to wait for a demand, or to make over the ship unasked, we hold it in trust for the United States to all intents and purposes.

It is only when we come to the personal liability of Captain Waddell and the crew that we are met by perplexing circumstances. It is now more than half a year since the American war virtually terminated, and the ravages of the Shenandoah have been infinitely more destructive during this period than before. The statement of losses contained in Mr. Adams's letter of April 7 is as nothing compared with those that have since reached us from Behring's Straits and the adjoining coasts. Nearly forty whalers are said to have been among her victims in those seas, and the price of sperm oil has already been raised very largely by her depredations. Now it appears that Captain Waddell professes to have had no authentic information about the close of the war until he fell in with her Majesty's ship Barracouta, on the 30th of August, when he immediately consigned his guns to the hold and altered his course for Liverpool. We have no wish to prejudge a case which must become the subject of a legal inquiry, but it is impossible to let such a statement pass unchallenged. It is expressly negatived by our accounts from California, derived from the testimony of persons belonging to the ships which he had destroyed. We have their positive assurance that Captain Waddell was told of all that had happened by some of his prisoners, but refused to credit it because it was based on northern authority. How it could otherwise have been brought to his knowledge, or how he could expect to receive an intimation of it from an office which, if it were true, no longer existed, it is for him to explain, for by refusing to accept such notice he certainly took upon himself all the responsibility of his subsequent acts. Why did he not at least run into the nearest neutral harbor to verify a report which, unless false, so gravely compromised his further proceedings? It is possible that a good answer may be given to these questions, but we must repeat that the *onus probandi* lies entirely on Captain Waddell's side. All the world knew and believed the news which he rejected, and which was not so improbable in itself as by any means to justify his obstinate skepticism. There is an old saying

about none being so blind as those who won't see, and the facts here suggest an almost irresistible suspicion that Captain Waddell was determined not to be arrested in his destroying career till he had done his old enemies the utmost possible mischief. Nor would it tend to remove this impression if it should prove to be correct that on the pilot coming on board he asked innocently whether the war was over or not.

It would have been a great relief to ourselves, though little to the advantage of the United States, had the Shenandoah been simply excluded from the Mersey and left to rove the seas till she should fall into the hands of her pursuers. As it is, there seems hardly any legitimate alternative but one. Captain Waddell and his one hundred and thirty men cannot be handed over as prisoners of war upon any hypothesis consistent with that of the war being at an end. Nor under any circumstances can they be given over to the United States. They might possibly be prosecuted under the foreign enlistment act, but experience has shown the extreme difficulty of establishing offenses of that nature. The crime of which they really stand accused—supposing them to have wilfully ignored the termination of hostilities—is that of piracy, and on this charge it is possible that they may be apprehended and tried before an English court of justice.

[From the London Daily News, October 19, 1865.]

The safe arrival of the Shenandoah in the Mersey, after a voyage around the globe, in the course of which she has almost ruined an important branch of industry, is calculated to make us consider whether we have done wisely in sanctioning those innovations upon the rules of war, hitherto recognized among nations, which the confederate practices have introduced. This vessel, it will be remembered, bearing at the time the name of the Sea King, was purchased by confederate agents in this country. To avoid the difficulties in the way of her equipment for her new service in either British or French ports, she was sent to sea without armament, and another steamer, the Laurel, was chartered at Liverpool to take out the guns, stores, and crew intended for her service. At Madeira these were transshipped, a confederate commander declared her commissioned as a vessel of war, and she then set out on her career of destruction. Once, at least, in the course of it she came again within our power, for she was obliged to put into Melbourne for repairs and supplies. These were furnished, it is said, only to such an extent as to enable her again to put to sea, but nothing of a belligerent character was allowed to be taken on board, nor was recruiting permitted. The Shenandoah then sailed for the north Pacific, and from that period successive tidings of the havoc she wrought among the American sperm whalers have been received. It is now announced that she has destroyed not less than thirty-seven vessels, and we ourselves reap some of the results of her ravages in the advance of the price of sperm oil from 70*s.* to 120*s.* per tun. On the 5th of August she spoke a Liverpool vessel, and then, her captain alleges, what we find it impossible to believe, he learned for the first time of the downfall of the confederacy, after which he suspended hostile operations and made direct for England. Such is the outline of her history, and it is now for the people of this country to consider the moral which is to be drawn from it in so far as it affects ourselves.

We shall not, looking at it from this point of view, discuss the question

of the legitimacy of burning and destroying merchant vessels without any form of legal condemnation. But even if that practice were not open to exception, it may be defended by a very untenable argument. And such an argument is used when the confederate apologists insist that the destruction was a necessity forced upon them by the absence of any port into which the captured vessels could be brought. If this argument is sound, it establishes that a nation not merely which has its ports blockaded, but which has no ports at all, nor any access to the sea whatever, may, on the breaking out of a war, buy vessels at sea, commission them at sea, and send them forth to prey on the commerce of its adversary with all the rights belonging to a legitimate navy. On this principle, whatever petty power in the middle of Germany may choose to declare war against us may, with impunity, because inaccessible itself, commission sea rovers to attack our merchantmen on every ocean. But this is nothing more than a legalization of buccaneering, the latest form of which, privateering, has been emphatically condemned by the voice of the civilized world; for it is not public war which would thus be carried on by impromptu naval officers in extemporized war vessels. The men engaged in it would be subject to no code of regular service, and that last remedy against barbarism in warfare, the exercise of the right of reprisals, would be unavailing where there would, in the nature of the case, be neither regular fleet, nor even merchant vessels, on which reprisals could be put in force. This, then, is the position in which we shall stand in any future war, by recognition of the new doctrine that there may be a belligerent navy established at sea without a port to which it belongs, and commissioned officers where there cannot be a regular service.

Still more inconvenient, however, will be the precedent of the Shenandoah as regards our claims upon neutral nations. By receiving her at Melbourne we admitted that she had acquired belligerent rights. But she had none when she left Liverpool, and it would have been illegal to have attempted to confer them on her there. We admitted then that this illegality was evaded by the fact that what was necessary for her equipment was sent out from Liverpool in a different vessel. This at least is a new judicial doctrine on our part. In a very similar case the House of Lords, in the year 1840, declared that when it is illegal to send out a certain class of goods in a vessel intended for a particular trade, it is equally illegal to send the vessel from this country without them, but to send them in another ship and transship them in a foreign port. Such intention of evading the law, it was held, tainted the whole proceeding with illegality, and made it impossible to ground any action for breach of contract upon it. But departing from this wholesome and common-sense rule, our authorities have now, in fact, declared that though it is a breach of neutrality to equip fully a vessel for war in our ports, it is no breach of neutrality to equip her by halves, completing the operation by junction of the halves at a distance from our shores. It cannot fail to be recognized how serious will be the consequences to us of this doctrine. In a war with Russia it will be idle for us again to close the Baltic and the Euxine with our superior fleet; our enemy may buy a dozen fast steamers at New York, dispatch their armaments after them in separate vessels, effect the transshipment at sea, and then, hoisting the Russian ensign, claim recognition, on the precedent of the Shenandoah, in every American and European port as legitimate Russian men-of-war. And if Russia may do this, so, also, on the principles already admitted, may every state, whether it has a seaboard and a navy or not.

Such are the perils to which our departure from the sound principle

that every vessel, commissioned or non-commissioned, must have a port to belong to, and our admission that a fraudulent breach of neutrality is cured by the mere fact of its successul perpetration, expose us. It may, indeed, be hoped that some of these evils may be averted by the measures which government may see fit to take against any British subjects who have formed part of the crew of the Shenandoah. There will be no desire here for vindictive proceedings in respect of a war which has been closed, and in which the victors are only occupied in pardoning. But it is important for us that our own laws should be vindicated. It is right that all our subjects should be made to know that they cannot, at their pleasure, break with impunity through regulations which are laid down with a view to the maintenance of peace and the support of national principle. And it is necessary that we should, by thus enforcing our own municipal laws, prove to foreign peoples that these are not retained in the statute book merely in mockery of their complaints, but that, while not only able but anxious to employ every legal power we possess for their protection, we too may, when our need comes, have a claim upon them to put their domestic laws in force for the purpose of saving us from injury.

[From the London Daily News, October 19, 1865.]

THE SHENANDOAH.

LIVERPOOL, *Tuesday.*

The Shenandoah still retains her anchorage in proximity to the Donegal, and a company of marines are in possession of the late cruiser. We yesterday stated that Captain Waddell and some other of the officers left the ship after the formal surrender, and landed at Liverpool, where they separated. To-day, however, we learn that Captain Waddell, after pledging his word of honor to Commander Fisher, R. N., of her Majesty's ship Eagle, went ashore, and communicated with a "southern house," after which, according to promise, he rejoined his ship. In the meantime, however, three of the crew left the ship and escaped to the Cheshire side of the Mersey. It is believed that the crew of the Shenandoah have for some time been short of provisions. A boat load of fresh beef, vegetables, potatoes, &c., sent off by some charitable southerners, was refused permission to go alongside the Shenandoah, the officers in charge stating that a proper supply of fresh rations would be served out to the men by the Donegal. On board the Shenandoah there are about thirty-six chronometers, together with a number of sextants, cabin furniture, furs, and other articles of value, which are supposed to be part of the proceeds of Waddell's late raids among the whalers of the arctic seas. In her hold there still remains (in fact all articles are under seal until instructions are received from government) a large quantity of ammunition, together with six shunt-guns and a large swivel gun. It is not at all impossible that within a few days the Mersey may be visited by the Sacramento, or other vessels of the United states navy, under the command of Admiral Goldsborough, whose squadron was last heard of at Toulon and Brest. The vessel is now in charge of Lieutenant Cheek, of her Majesty's gunboat Goshawk, whom Captain Paynter has placed on board with secret instructions. There are a guard of marines, a number of seamen from the Donegal, and a body of customs officers also in possession. There is on board a considerable sum of money, but Captain Waddell has no intention of using this for the ship's purposes. He has preserved the property as that of the American government. Conse-

quently, he and his officers and men are without pecuniary resources. Several of the crew who remain on board are down with scurvy. The communications between the government and the authorities here in reference to the Shenandoah have been, and are being, carried on by telegraph. The crew are stated to be, for the most part, smart young fellows, and to have the appearance of excellent seamen. They are of mixed nationality, several of them being apparently Americans.

Mr. Dudley to Mr. Seward.

No. 558.] UNITED STATES CONSULATE,
Liverpool, November 11, 1865.

SIR: You have already been informed by Mr. Wilding of the arrival of the Shenandoah at this port, and of what had been done with respect to her up to last mail.

On the 9th a letter was received from Captain Paynter of her Majesty's ship Donegal, of which I inclose a copy, (No. 1,) offering to deliver to me the vessel, with her stores, &c., as surrendered by Captain Waddell, her late commander.

Mr. Adams was immediately telegraphed to for instructions, and at 4.20 p. m. a reply was received from him, instructing me to accept the vessel and take charge of her until further instructions. As soon after as arrangements could be made, a captain found, and men engaged to take charge of the vessel, Mr. Wilding went off to accept and take charge of her. Captain Paynter was not on board the Donegal, and it was arranged between Mr. Wilding and the officer in charge of the Shenandoah that the captain I had appointed to take charge, and his men, should be put on board, but that the customs officers and Donegal's men should remain until the next morning, when formal transfer could be made on Captain Paynter's return.

The captain was accordingly put on board, and fourteen men sent off in a tug about 8 o'clock. In the meantime, however, an officious subordinate customs official arrived at the vessel, and refused to allow the men to go on board.

On Friday morning (the 10th) formal acceptance of the vessel was arranged with Captain Paynter, and the collector of customs and I went on board and received her, and telegraphed Mr. Adams to that effect.

I have appointed Captain Thomas F. Freeman, an American citizen, in whom I have entire confidence, to take charge of her for the present. He has a pilot on board and fourteen men. The vessel lies in good anchorage in the river Mersey.

The Donegal's men and the customs officers were all withdrawn on my receiving charge of the vessel.

I am decidedly of opinion that it is for the interest of the United States that the vessel should be sent at once to New York under command of Captain Freeman and such crew as he might select, and have so informed Mr. Adams. He has replied that he is not prepared to give a decided answer.

I have ordered just necessary cleaning to be done to the vessel and engines.

Captain Waddell and his crew were allowed to leave the vessel, by order of the government, on Wednesday night, without parole or condi-

tions. The men are about the town, and have, as I am informed, received their wages up to within two months past.

Captain Waddell is still here, and it has been told me that he intends shortly to leave for the United States. I will endeavor to inform you when he leaves.

Very respectfully, I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Captain Paynter to Mr. Dudley.

HER MAJESTY'S SHIP DONEGAL,
Rock Ferry, November 9, 1865.

SIR: In compliance with instructions received from the Secretary of State for the Home Department of her Majesty's government, I am, in conjunction with the collector of her Majesty's customs, directed to deliver over to you the Shenandoah, (late confederate cruiser,) with all her stores, &c., as surrendered by Captain Waddell, her late commander.

I beg to inform you that she is ready to be transferred to your charge, and to request you will be pleased to take possession of her.

I inclose, herewith, inventories of the stores, signed by the officers who had charge of them.

The specie, said to amount to $820 40, is under the charge of Mr. Lloyd, the officer of customs on board.

I have the honor to be, sir, your most obedient servant,

J. G. PAYNTER, *Captain.*

T. H. DUDLEY, Esq.,
United States Consul, No. 60 Tower Bridges, Liverpool.

Mr. Seward to Mr. Adams.

No. 1583.] DEPARTMENT OF STATE,
Washington, November 13, 1865.

SIR: I have to acknowledge the receipt of your dispatch of the 27th of October, which is accompanied by a copy of a note addressed by you to Earl Russell on the 21st of that month, presenting, in conformity with instructions received from this department, the views of this government in regard to the depredations committed by the Shenandoah, and, at the same time, acquainting his lordship that proper reparation is expected from the government of her Britannic Majesty by your own; a copy of Earl Russell's note in acknowledgment of yours is also transmitted.

Your proceedings as thus presented are entitled to special commendation, and are fully approved by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1585.] DEPARTMENT OF STATE,
Washington, November 14, 1865.

SIR: I transmit herewith, for your information, a copy of a dispatch of the 30th of September last, No. 26, and of its inclosures, received by this department from the United States commercial agent at Antigua, relative to the proceedings of the British government in regard to the Shenandoah.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Galody to Mr. Seward.

No. 26.] UNITED STATES COMMERCIAL AGENCY,
Antigua, September 30, 1865.

SIR: I beg to inclose for your information a copy a letter of the 16th of August, from the British Foreign to the Colonial Office, London, suggesting that the Shenandoah ought to be stopped. I also inclose a circular dated September 7, 1865, from Mr. Cardwell to the governor of this island, ordering her detention in case of her arrival, and to enforce obedience by force if necessary. The letters referred to in both documents I had the honor to transmit to you with my dispatch No. 20, of August 3.

I have the honor to be, sir, your most obedient servant,

M. GALODY,
United States Commercial Agent.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Letter of Mr. Murray, under-secretary of British Foreign Office, to the under-secretary of state of the Colonial Office, London.

FOREIGN OFFICE, *August* 16, 1865.

SIR: I am directed by Earl Russell to state to you, for the information of Mr. Secretary Cardwell, that reports have reached her Majesty's government, from Washington, that the Shenandoah has continued her depredations, although informed that General Lee has surrendered and the war was virtually over. In these circumstances Lord Russell wishes to suggest to Mr. Cardwell whether it would not be right to refuse the Shenandoah the facilities for disarming, notified in my letter of June 2d, which were not strictly conformable to international law, but considered due to the honor and good faith of her Majesty's government. In such case, if Mr. Cardwell concurs, it will be proper to direct the governors of our Australian colonies, the Cape of Good Hope, &c., to detain the Shenandoah in any British port, in order to await the result of any claim or demand which may be made in due course of law.

I am, &c.,

JAMES MURRAY.

THE UNDER-SECRETARY OF STATE, *Colonial Office.*

Circular from British Colonial Office to all colonial authorities.

[Circular.]

DOWNING STREET, *September* 7, 1865.

SIR: With reference to my circular instructions of the 3d of June last, accompanied by a letter from the Foreign Office dated the 2d of June, relative to the treatment of confederate cruisers, I have the honor to transmit to you a further letter from the Foreign Office.

It is the desire of her Majesty's government that the Shenandoah should be detained in any British port she may enter. If she should arrive in a port of your colony, you will notify to her commander that it is incumbent on him to deliver up the vessel and her armament to the colonial authorities, in order to be dealt with as may be ordered by her Majesty's government. You will detain the vessel by force if necessary, supposing that you have on the spot a sufficient force to command obedience; and, at all events, you will prohibit any supplies of any description to the vessel, so as to give her no facilities whatever for going to sea. You will, of course, convey to the commander of the Shenandoah the letter sent to you for that purpose in my circular dispatch of the 12th of July.

I have, &c.,

EDWARD CARDWELL.

Governor HILL, C. B., &c., *Antigua.*

No. 1.

Mr. Bullock to the commander of the Shenandoah.

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LIVERPOOL, *June* 19, 1865.

SIR: On the 9th day of April last General Lee was forced to evacuate the lines of Petersburg and Richmond, after three days of continuous and sanguinary battle, and on the 14th of the same month, being surrounded by overwhelming numbers, he surrendered the remnant of his army to General Grant, only, however, when its last ration had been consumed and its military supplies were entirely exhausted. This event has been followed consecutively by the surrender of Generals Johnston and Taylor, commanding all the Confederate States troops east of the Mississippi, and of General Kirby Smith, the commander-in-chief of the trans-Mississippi department.

President Davis, Vice-President Stephens, and several members of the confederate cabinet have been arrested, and are now held as close prisoners by the United States government. President Johnson has formally declared the war to be at an end, and has removed all restrictions on foreign commerce by reopening the southern ports to general trade. Furthermore, the European powers have withdrawn the recognition of belligerent rights accorded by them to the Confederate States in 1861, and have forbidden the entry of vessels bearing the Confederate States flag into their ports for any purpose of repair or supply.

I have discussed the above circumstances fully with the Hon. James M. Mason, the diplomatic representative of the Confederate States in England, and, in accordance with his opinion and advice, I hereby direct you to desist from any further destruction of United States property

upon the high seas, and from all offensive operations against the citizens of that country. Ignorance of the present condition of the Shenandoah, and of the point at which this letter may reach you, renders it impossible to give specific instructions in regard to the disposal of the ship; but you can refer to a letter in your possession, dated October, 1864, for advice on that point. Your first duty will be to take care of the *personnel* of your command, and to pay off and discharge the crew, with due regard to their safety and the facilities for returning to their respective homes.

The orders issued by the maritime powers with regard to the treatment of Confederate States ships hereafter indicate that you will be allowed to enter any port for the *bona fide* purpose of disarming and dismantling the Shenandoah, and that, under such circumstances, you would enjoy the protection of the laws—so far, at least, as the individual safety of yourself and the officers and men of your command are concerned.

If you have sufficient money to pay off your crew in full, direct the paymaster to take receipts from each man, which shall expressly waive all further claim against yourself, or any representative of the Confederate States, or other emolument. If you have not money enough to pay off in full, and cannot negotiate a bill on England, pay to the extent of your funds, and give each man an order on yourself, payable at Liverpool, for the balance due to him, and come here to settle your accounts.

The terms of a proclamation lately issued by the President of the United States are such as to exclude most of the officers of your command from the privilege of returning at once to their original homes, and I would advise all of you to come to Europe, or to await elsewhere the further development of events in the United States, before venturing to go to any part of that country or the Confederate States.

Circumstances you will readily understand, and the force of which you will appreciate, compel me to be brief and general in these instructions, and you will therefore exercise your discretion in arranging all details.

I shall remain in Liverpool for an indefinite time, and you can communicate with me at my usual address.

I am, &c., &c., &c.,

JAMES D. BULLOCK.

Lieut. Com'g JAMES J. WADDELL,
Confederate States Ship Shenandoah.

No. 2.

Mr. Mason to Earl Russell.

28 GROVE STREET, LEAMINGTON, *June* 20, 1865.

MY LORD: It being considered important and right in the present condition of the Confederate States of America to arrest further proceedings at sea in the war against the United States, those having authority to do so in Europe desire as speedily as practicable to communicate with the Shenandoah, the only remaining confederate ship in commission, in order to terminate her cruise.

Having no means of doing this in the distant seas where that ship is presumed now to be, I venture to inquire of your lordship whether it will be agreeable to the government of her Majesty to allow this to be done through the British consuls at ports where the ship may be expected.

I have the honor to enclose herewith a copy of the order it is proposed

to transmit, and will be obliged if your lordship will cause me to be informed whether, upon sending such orders unsealed to the Foreign Office, they can be sent through the proper channels to the consuls or other representatives of her Majesty at the points indicated, to be by them transmitted, when opportunity admits, to the officer in command of the Shenandoah. These points are Nagasaki in Japan, Shanghai, and the Sandwich Islands.

I trust that your lordship will, from the exigency of the occasion, pardon the liberty I have ventured to take, and will oblige me by having the inclosed copy returned to me.

I am, &c.,

J. M. MASON.

EARL RUSSELL, K. G., *&c.*, *&c.*

No. 3.

Mr. Hammond to Mr. Mason.

FOREIGN OFFICE, *June* 22, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 20th instant, inclosing a copy of a letter which you are desirous of having forwarded to the commander of the Shenandoah through her Majesty's representatives and consuls at the Sandwich Islands, Nagasaki, and Shanghai; and I am to state to you in reply, that his lordship has no objection to sending this letter to the places mentioned, and also to her Majesty's colonial and naval authorities, it being always distinctly understood that the Shenandoah will be dealt with in the courts, if claimed, according to law.

I am, &c.,

E. HAMMOND.

J. M. MASON, Esq.

Mr. Cardwell's circular to all British colonial authorities.

[Circular.]

DOWNING STREET, *July* 12, 1865.

SIR: I have the honor to transmit to you a copy of a letter to the commander of the cruiser Shenandoah. I also inclose a copy of a letter in which Mr. Mason requested Earl Russell's permission to forward the above-mentioned communication to the care of the British authorities at any place where the Shenandoah was likely to call, together with the copy of the answer returned to Mr. Mason by Earl Russell's direction.

If the Shenandoah should happen to appear within the limits of your government, you will communicate to her commander a copy of the inclosed papers. A spare copy is sent to you for the purpose.

I have the honor, &c.,

EDWARD CARDWELL.

To Governor ———.

Mr. Adams to Mr. Seward.

No 1091.] LEGATION OF THE UNITED STATES,
London, November 15, 1865.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Clarendon on the 11th instant, in answer to mine of the 7th requesting the surrender of the Shenandoah and some form of penal treatment of her crew. I append a copy of my reply.

The policy of the government, so far as I can judge from the tone of certain newspapers in their confidence, is to denounce the commander in unmeasured language, and at the same time evade the trouble of any more active measures against him.

The question has immediately arisen, what is best to be done with the vessel. Her remaining at Liverpool, under charge of the consul for the length of time necessary to get instructions, will be hazardous and expensive. Under these circumstances, Mr. Dudley has proposed to me to send her over at once to New York, under the care of certain persons in whom he appears to have entire confidence. I have so far consented to this arrangement as to authorize him to take the necessary measures, provided he can be reasonably certain of the responsibility and capacity of the people whom he will employ. I am not quite sure whether this will be the course most satisfactory to the government. But upon such emergencies, and at this distance, it sometimes happens that the minister must assume responsibilities, or else the hazard of refusing to take them. I know not which horn of the dilemma is the more unpleasant. On many accounts I incline to the opinion that it is best to get the vessel away from this kingdom at all events.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 11, 1865.

SIR: I have the honor to state to you, in reply to your letter of the 7th instant, that it appears by a communication from the board of admiralty that the Shenandoah was, on the 10th instant, delivered up by the senior naval officer at Liverpool to the United States consul at that port, with everything on board of her, the consul being also furnished with the inventories of her stores, &c., as received by the naval authorities from the late commander of the vessel.

With regard to the officers and crew of the Shenandoah, I have the honor to state to you that on the arrival of the vessel at Liverpool it was ascertained that three bad cases of scurvy were on board of her, and that a number of men had symptoms of that disease; and it is was therefore necessary that measures should immediately be taken for disposing of the officers and crew.

I need scarcely observe to you that any proceedings against persons in their situation, as indeed is the case with all other persons in this country, must be founded on some definite charge of an offense cognizable by British law, and must be supported by proper legal evidence; and that in the absence of such charge, duly supported by evidence, her

Majesty's government could not assume or exercise the power of keeping any of them under any kind of restraint.

Her Majesty's government were not in possession of any evidence which could be produced before any court or magistrate, for the purpose of controverting the statement made to them by the commander of the Shenandoah in the letter of which I inclose a copy, or for the purpose of showing that the crime of piracy had in fact been committed by the vessel.

It only remained, therefore, to ascertain whether any of the parties were British subjects; and if so, whether any sufficient evidence could be obtained against them to warrant a prosecution on a charge of violating the provisions of the foreign enlistment act by taking part in hostilities on board the vessel.

Accordingly, the board of admiralty were instructed by the secretary of state for the Home Department to cause the necessary inquiry to be instituted in regard to the presence on board of persons of the last-mentioned class, and if evidence could be obtained against any of them, to cause them to be detained and taken before a magistrate, and to allow the rest to go free.

In pursuance of these instructions, the senior naval officer at Liverpool at once proceeded on board the Shenandoah, and having mustered the crew, he reports himself to have been "fully satisfied that they were all foreigners, and that there were none known to be British-born subjects on board;" whereupon they were all landed, with their effects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Captain Waddell to Earl Russell.

[With Lord Clarendon's note of the 11th of November, 1865, to Mr. Adams.]

STEAMER SHENANDOAH,
November 6, 1865.

MY LORD: I have the honor to announce to your lordship my arrival in the waters of the Mersey with this vessel, lately a ship of war under my command, belonging to the Confederate States of America.

The singular position in which I find myself placed, and the absence of all precedents on the subject, will, I trust, induce your lordship to pardon a hasty reference to a few facts connected with the cruise lately made by this ship.

I commissioned the ship in October, 1864, under orders from the naval department of the Confederate States; and in pursuance of the same, commenced actively cruising against the enemy's commerce. My orders directed me to visit certain seas in preference to others. In obedience thereto, I found myself in May, June, and July of this year in the Okhotsk Sea and Arctic Ocean; both places, if not quite isolated, are still so far removed from the ordinary channels of commerce, that months would elapse before any news could reach there as to the progress or termination of the American war. In consequence of this awkward circumstance, I was engaged in the Arctic Ocean in acts of war as late as the 28th day of June, in ignorance of the serious reverses sustained by our arms in the field, and the obliteration of the government under whose authority I had been acting.

This intelligence I received for the first time on communicating at sea, on the 2d of August, with the British bark Barracouta, of Liverpool, fourteen days from San Francisco.

Your lordship can imagine my surprise at the receipt of such intelligence; and I would have given it little consideration if an Englishman's opinion did not confirm the war news, though from an enemy's port. I desisted instantly from further acts of war, and determined to suspend further action until I had communicated with a European port, where I could learn if that intelligence were true. It would not have been intelligent in me to convey this vessel to an American port for surrender, simply because the master of the Barracouta had said the "war was ended." I was in an embarrassing position. I diligently examined all the law-writers at my command, searching a precedent for my guidance in the future control, management, and final disposal of the vessel. I could find none. History is, I believe, without a parallel.

Finding the authority questionable under which I consider this vessel a ship of war, I immediately continued cruising, and shaped my course for the Atlantic Ocean.

As to the ship's disposal, I do not consider that I have any right to destroy her, or any further right to command her; on the contrary, I think that as all the property of the confederate government has reverted by the fortune of war to the government of the United States of North America, that therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted. I therefore sought this port as a suitable one wherein "to learn the news," and, if I am without a government, to surrender the ship, with her battery, small-arms, machinery, stores, tackle, and apparel complete, to her Majesty's government, for such disposition as in its wisdom should be deemed proper.

I have the honor, &c.,

JAMES J. WADDELL, *Commander.*

EARL RUSSELL, *&c., &c., &c.*

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 14, 1865.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 11th instant, announcing to me the fact that the Shenandoah had been delivered up, by order of the board of admiralty, to the United States consul at Liverpool, together with all her stores, &c., as received from her late commander. I had already received the same intelligence from the consul, who has taken charge of her under my instructions. I entertain no doubt that the promptness of this proceeding will give great satisfaction to my government.

But I cannot affect to conceal my disappointment at the manner in which her Majesty's government have decided to treat the persons who have been engaged in the nefarious transactions perpetrated in that vessel, and especially the chief, a copy of whose letter was received with your lordship's note.

A narrative of but a portion of these outrages it has already been my duty to submit to your consideration in a series of voluminous papers, the character of which it is impossible to forget.

I shall carefully abstain from any unauthorized word of mine which

might tend to make a situation, already much too grave, still more serious. A copy of your lordship's letter, together with its inclosure, shall be transmitted by the earliest opportunity to my government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL CLARENDON, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1095.] LEGATION OF THE UNITED STATES,
London, November 23, 1865.

SIR: I have the honor to transmit copies of two notes of Lord Clarendon to me—one of the 17th, the other of the 18th—on the case of the Shenandoah, and of my reply to both on the 21st instant.

I see no good reason for continuing this correspondence on my part any further. It may be that you will deem it worth while to notice Lord Russell's singular proposal of prospective legislation, the only point now apparently remaining open between the two governments. But that would scarcely seem likely to call for much explanation. In any event I hope to be able to restrict myself hereafter closely within the line of your instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 17, 1865.

SIR: Her Majesty's government are glad to find, by your letter of the 14th instant, that you entertain no doubt that the promptness of the proceedings taken by them for the delivery up of the Shenandoah will give great satisfaction to the government of the United States.

With respect, however, to the disappointment which you express as to the manner in which the officers and crew of that vessel have been dealt with by her Majesty's government, after having before them the voluminous papers with which you had furnished them, showing the character of the proceedings in which they were engaged, I must observe that there was nothing in the depositions and other papers of which you forwarded copies to this office, which, even if it had been capable of being substantiated in evidence in this country by deponents present at Liverpool before the crew of the Shenandoah were dispersed, would have tended to show that any capture had been made, or attempted, by Captain Waddell or his crew, *after and with notice of* the termination of the war. And I must further observe that, even if the case had been otherwise, those papers would not have been receivable as evidence before any magistrate; and that unless some material facts could have been deposed to by one or more witnesses present in this country, no magistrate could have kept any persons in custody upon any charge founded upon the statements in those papers.

I may add that, if any evidence in support of a charge of piracy had been forthcoming, it was quite as competent for any officer or agent of the government of the United States, or even for any private person, to have taken the necessary proceedings before a magistrate, as it was for her Majesty's government to do so.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 18, 1865.

SIR: I have now the honor to reply to the letter which you addressed to my predecessor on the 21st of October last, respecting the proceedings of the late confederate steamer Shenandoah in the Pacific.

But I must, in the first instance, observe that in alluding to the answer given to you by Earl Russell on the 26th of September, 1864, respecting the conduct of the yacht Deerhound in rescuing from the sea a portion of the crew of the confederate steamer Alabama after her conflict with the United States cruiser Kearsarge, you omit to notice the principal passage in that answer, in which Lord Russell says, "In point of fact, however, her Majesty's government have no lawful power to arrest and deliver up the persons in question." [That is, the persons rescued from the sinking Alabama.] "They have been guilty of no offense against the laws of England, and they have committed no act which could bring them within the provisions of the treaty between Great Britain and the United States for the mutual surrender of offenders. And her Majesty's government are therefore entirely without any legal means by which, even if they wished to do so, they could comply with your above-mentioned demand;" [namely, that those officers and men should now be delivered up to the government of the United States as escaped prisoners of war.] I may add that, if beyond the limits of British territory the commander of the Deerhound had improperly interfered to protect the officers and crew of the Alabama from the belligerent rights of the United States, it was for the commander of the Kearsarge to use the means in his power for the prevention of such interference.

Once upon British soil, they were entitled to the protection of British laws, which they had in no respect violated; and her Majesty's government could not deprive them of that protection because of the possibility (whether afterward realized or not) that they might again leave the country and become engaged in further hostilities with the United States. The demand for their delivery up, which was made by you, was in fact identical with one which had at various times been made by foreign governments for the extradition or expulsion of other foreign refugees—Poles, Hungarians, and others—and to which the invariable answer had been that the laws of this country did not empower the government to take any such measure. The answer to every such demand is found in the fundamental institutions of this country, in the law of habeas corpus and of trial by jury. If any evidence had been offered to her Majesty's government identifying any of those persons as British subjects who had unlawfully enlisted in the service of the Confederate States, or who were guilty of any other violation of our laws, they would have been duly prosecuted; but no such evidence was brought forward.

The case of the Deerhound, therefore, furnishes, when examined, no materials for complaint against her Majesty's government.

The next subject of complaint preferred by you is the conduct of her Majesty's government in not preventing the vessel called the Sea King from leaving the shores of England to join another vessel called the Laurel, which was sent to meet her near Madeira with arms and ammunition.

You do not affirm that her Majesty's government had any power or jurisdiction over either of these vessels when beyond the limits of British territory; but unless that assertion be made or implied the complaint falls to the ground; for while these vessels were in British waters no information was given (much less was any offered) to her Majesty's government to show that any persons concerned in their outfit or equipment were guilty of, or were contemplating, any infringement of the foreign enlistment act, or of any other law in force in the United Kingdom, nor even that they were suspected of being engaged in any design whatever hostile or dangerous to the United States.

Your complaint, indeed, is against the general laws of this country. The executive power of the British Crown does not, nor does the executive power, as the act of Congress of 1818 is understood in this country, of the United States, extend to the detention and seizure of an unarmed merchant vessel, on the mere suspicion that she will, or may, be armed at sea in the waters of a foreign power.

Under the municipal law of this country, (which goes at least as far as any obligation which may be supposed to attach to it under the law of nations,) the British government is able to detain and prosecute natural-born British subjects who may enter into the war service of a foreign power without the license of the Crown, or who, within her Majesty's dominions, may fit out, arm, or equip (or attempt to fit out, arm, or equip) vessels to cruise or commit hostilities against any states in amity with her Majesty. But the British laws do not and cannot effectually reach subjects of her Majesty who may go to a foreign state and there enter into any kind of naval or military service. You are well aware that many subjects of her Majesty have gone from this country to the United States, and have there, during the present war, entered into the military service of the United States and fought against the armies of the confederates, contrary to her Majesty's proclamation.

Such occurrences as these the law of England (and, her Majesty's government believe, the law of the United States) cannot prevent, and has very rarely the power to punish. It is obvious (as you, indeed, admit) that the law which prohibits the equipment of vessels destined to make war on states with which her Majesty is at peace, may, like most other human laws, be evaded. No human means can in all cases effectually prevent individuals from purchasing or otherwise acquiring a vessel with the secret intention of arming her beyond the territorial limits of the country, and then cruising against a state with whom her Majesty is at peace, or from successfully executing that intention. It is distinctly denied that the government of any state is, upon any recognized principle of international law, responsible for such an event.

Feeling, as it would seem, that for the equipment and armament of the Shenandoah no original responsibility can reasonably be cast on her Majesty's government, you represent, as the main substance of this part of your complaint, that this vessel, after she had been equipped and commissioned, was recognized by her Majesty's government as a public ship of war of a lawful belligerent, and was admitted as such into British ports.

This is in truth nothing more than the often-repeated objection to the course adopted by her Majesty's government in recognizing both parties in the late war as belligerents, and if belligerents at all, then as belligerents wherever they were found actually carrying on war, whether by sea or by land.

You are of course aware that the Sea King was transferred, when beyond the territory of her Majesty, to the agents of the Confederate States, and from them (while still beyond her Majesty's territory) received a commission as a ship of war under the name of the Shenandoah. It was a necessary consequence of the principle of neutrality, and of the recognition of the state of war, (by virtue of which alone the blockade was enforced with so much severity against neutrals by the United States,) that the validity, for the purposes of the war, of such a commission should be recognized by the government of this country. The supplies given to this vessel, and the hospitality afforded to her in a British port during the continuance of the war, were merely the same which were always afforded to the vessels of war of the United States. To refuse them in such a case would have been not to vindicate, but to depart from, the neutrality declared by her Majesty. If the facts were, as you suggest, that the supplies so afforded had the effect of enabling the Shenandoah to continue hostilities after the Confederate States had ceased to be belligerents, it is obvious that such an occurrence might equally take place in any other case in which a ship of war of any belligerent nation, having taken in ordinary supplies at a neutral port, might continue hostilities after the restoration of peace, either through ignorance of that fact or from any less excusable motive.

So far, then, as your objection to the enjoyment of belligerent rights by the Shenandoah in the ports of Great Britain is founded on the allegation of her original illegal equipment, I have already sufficiently pointed out that the circumstances of her equipment were not such as, in the eye of the English law, or, consequently, in the view of the English government, could be regarded as illegal. She was, therefore, as long as the war subsisted, naturally treated on the same footing as any other vessel of a recognized belligerent power.

But even had the case been otherwise, and had her equipment and origin been undoubtedly illegal, I should have experienced hardly less surprise at the claim put forward on behalf of the United States in the following sentence of your dispatch: "In consenting to receive the vessel after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that her Majesty's government assumed a responsibility for all the damage which it has done." If I needed (which in this case I do not) to find an answer to a claim founded upon such principles, I should have to seek no further than the records of recent American law and the practice of modern American statesmen. In that chapter of American history which has lately become familiar in these discussions, relating to the transactions which arose out of the revolt of the South American republics, will be found a complete refutation, from American authorities, of the doctrine on which you now appear to insist. As you are well aware, numerous vessels of war were fitted and refitted, under the commission of the revolted States, in the ports of the United States to cruise against the commerce of Spain and Portugal. These vessels started on their original voyage manned and armed in the ports and by the subjects of the United States, and returned to the same ports over and over again after repeated cruises. Though the fact of the illegal origin and equipment of such vessels was estab-

lished, not by vague surmise or *ex parte* statement, but in several instances by judicial proof adduced in suits instituted for the restoration of their prizes when brought within the neutral jurisdiction, the government of the United States does not appear ever to have taken any step for the purpose of excluding any of these vessels from the full and unrestricted enjoyment, within their own ports or elsewhere, of the same rights (with the single exception of the right to retain prizes brought in) which it accorded to any other ships of war of a belligerent power; nevertheless, so far from admitting that by such conduct, as you now contend, "they assumed a responsibility for all damage done" by such vessels, your government distinctly repudiated any such responsibility when urged upon them by arguments almost identical with those on which you now rely.

While admitting that several prosecutions have been instituted by her Majesty's government against persons amenable to British law who had been shown by probable evidence to have been guilty of violating the foreign enlistment act, (Captain Corbett, of the Sea King, to whom you refer as having never been brought to trial, is awaiting his trial at the present moment,) you make it, nevertheless, matter of complaint that no legal proceedings have been taken against any of the confederate agents in this country, under whose direction and management various operations, in abuse of her Majesty's neutrality, are said to have been conducted. But no information, supported by evidence on which a prosecution could be judiciously instituted or successfully maintained, has ever been laid before her Majesty's government for the purpose of showing that the laws of this country were in fact so violated by any of those persons.

You are well aware of the extent to which not only municipal but also international law permits either of two belligerents to avail themselves of the resources of a neutral country, by mercantile agencies, by loans of money, and by the purchase and shipment of every kind of munition of war, without giving to the other belligerent any cause of complaint against the country where such operations are carried on.

Full advantage has been taken of this state of international law by the United States themselves during the recent contest. If, in addition to operations of this nature, the confederate agents in this country superintended or directed other designs involving the violation of our laws, they were careful (as it might be expected they would be) to keep their participation in any such illegal acts as far as possible out of sight. The agency of Captain Bullock for the confederate government was indeed, to some extent, disclosed by parts of the evidence relating to ships which were the subject of actual or contemplated proceedings by her Majesty's government, but not in such a manner nor to such an extent as to make it probable, in the judgment of her Majesty's advisers, that, if proceedings had been instituted against him personally, they would have been attended with a successful result. You refer, indeed, to the recent transmission, under the orders of her Majesty's government, of Captain Bullock's letter to the commander of the Shenandoah, directing him to cease from the further prosecution of hostilities, as proof that her Majesty's government have, at least in one instance, considered themselves to be in possession of sufficient evidence of Captain Bullock's authority to control or prevent such hostilities. But it is not clear that proof even of the extent and kind of authority assumed in that letter over the Shenandoah when at sea would have supplied the want of further evidence of any infringement alleged to have been committed by Captain Bullock of the laws of this country. Your surprise, how-

ever, on hearing of that circumstance, as well as the inference you draw from it, of the previous possession of evidence against Captain Bullock by her Majesty's government, will, I hope, cease when you learn that this letter was transmitted by her Majesty's government in compliance with the request of Mr. Mason (the known accredited agent in Europe of the Confederate States) made to Earl Russell in a letter dated the 20th of June last, after the conclusion of the war. Whatever might have been the extent of the previous knowledge or ignorance of her Majesty's government with respect to the acts of Captain Bullock, they were entitled to believe, on Mr. Mason's authority, that the letter sent by him for transmission would be effectual for its intended purpose; in which, being a purpose of humanity especially beneficial to the United States, her Majesty's government felt they might safely endeavor so far to co-operate without any risk of being misunderstood by the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 21, 1865.

MY LORD: I have the honor to acknowledge the reception of two notes from your lordship—one of the 17th instant, the other of the 18th instant—both of them relating to the case of the vessel heretofore known as the Shenandoah.

The arguments presented in those notes appear to me, substantially, so much the same as have been urged in the correspondence I have heretofore had the honor to conduct with your predecessor, that I deem it unnecessary, on my own responsibility, further to enlarge upon the opposite views already submitted.

Regretting that the result has been to bring us no nearer to any agreement in our respective convictions, I shall content myself with transmitting copies of your lordship's notes for the consideration of my government, and awaiting specific instructions,

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL OF CLARENDON, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1605.] DEPARTMENT OF STATE,
Washington, November 25, 1865.

SIR: Your dispatch of the 10th of November, No. 1082, has been received. It gives us information of the unexpected arrival of the Shenandoah in the port of Liverpool, of an informal conversation which you held with Lord Clarendon on that subject, of your guarded request by note, in writing, for her delivery to this government, with the cautious suggestions you made in the same note to his lordship concerning

the restoration of the spoils found on board the vessel, and the interest which the United States must feel in bringing to condign punishment her officers and crew.

The dispatch also brings authentic though unofficial information that the Shenandoah has been delivered to our consul at Liverpool; a copy of the note referred to is appended to your dispatch, and also a copy of a vague note written in reply to your note by Lord Clarendon.

I observe that Lord Clarendon, in his reply, promises that in a future communication he will give immediate attention to the points which were made in your before-mentioned note. It seems not only becoming upon considerations of courtesy, but also important in reference to the gravity of the occasion, to reserve an examination of these new proceedings of her Majesty's government in regard to the Shenandoah until we shall have been favored with the exposition which Lord Clarendon promises. I confine myself, therefore, to a consideration of your own proceedings in the matter as made known to us by your dispatch; we learn from the United States consul at Liverpool that these proceedings were taken in concurrence with his advice.

Such is the President's confidence in your tried and proved discretion, that he does not hesitate at once to acknowledge himself completely satisfied with your proceeding requesting the surrender of the vessel. This point being settled, I take great pleasure in saying that the terms in which that request was made are deemed proper and judicious.

Waiting further developments in regard to the whole matter, I remain, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1612.] DEPARTMENT OF STATE,
Washington, November 30, 1865.

SIR: I have the honor to acknowledge the receipt of your dispatch of November 15, No. 1091. It is accompanied by several interesting papers:

First. A copy of a note which Lord Clarendon addressed to you on the 11th instant, in execution of his promise to communicate more fully concerning the surrender of the Shenandoah, and the disposition of the pirates to be made by her Majesty's government.

Secondly. A copy of a note which appears to have been addressed to Earl Russell on the 6th November instant, by one James J. Waddell, who describes himself as being the commander of what he calls the confederate ship Shenandoah, but which we certainly know to be the British registered ship Sea King. Waddell, in his communication, reports that the brig has now returned to the port of Liverpool, and there placed herself and crew under the protection of her Majesty's government, having at length desisted from a destructive career which she pursued indefatigably for a period of about ten months, during which, as we well know, he derived all his men and material of war, supplies and provisions, from home and colonial ports within the British empire, in opposition to the earnest and continuous protest of the agents of the United States.

Thirdly. Your reply acknowledging the receipt of the note of Lord Clarendon. I lose no time in giving you the views of the President

concerning the papers which have thus been brought to his consideration, and the subjects to which they relate.

First. Among those subjects is the delivery of the Shenandoah, by direction of her Majesty's government, to the agents of the United States. We accept the vessel, but I regret to say that the acceptance is not attended with any sense of satisfaction on the part of this government. It would have gratified the President if her Majesty's government had caused proceedings to be instituted for the condemnation of the Shenandoah. The course, however, which the British government has heretofore pursued in regard to our applications for justice was such as to discourage, on our part, an expectation of such a disposition of the vessel. We accept her now, simply and exclusively, upon the prudential consideration that, being reduced into our possession, she will not again depart from the British waters in a hostile character.

Secondly. The United States cannot but ask the serious attention of her Majesty's government to the facts of the case as they bear upon the discharge of the offender Waddell and his accomplices. After having exposed himself and them to prosecution for piracy in the ports of every civilized nation, he impertinently and indecently, as it would seem to us, placed himself and his associates under the protection of her Majesty's government under circumstances which, as they are viewed by this government, are calculated to render a judicial investigation necessary for the safety and welfare of an injured and friendly nation. The United States think that they might well have promptly called upon her Majesty's government to surrender the offenders as fugitives from justice, to be brought within the jurisdiction of the United States and punished here for their flagrant crimes. The United States, however, were not at liberty, consistently with their self-respect, to pursue that course. They could not but recall the fact that in recent cases of the Chesapeake, and J. L. Gerety, or Eureka, applications of that character made by the United States were denied by the judicial authority of Great Britain, approved by the executive government, on the ground that the offense of piracy on the high seas was properly cognizable in her Majesty's courts of the realm, and therefore that the offenders were not lawful subjects of extradition to a foreign government. It therefore only remained to the United States to ask her Majesty's government themselves to take the measures which seemed to be required for the discharge of obligations to the United States and the vindication of public justice. This suggestion was made by you to Lord Clarendon in what seems to us to have been a very respectful and becoming manner. The result which followed was the discharge and unconditional enlargement of the offenders from custody, upon two grounds: first, that her Majesty's government have in their possession no evidence to impeach a prevaricating plea of the commander. This position was assumed when every part of the unlawful transaction complained of had occurred either in British ports or on the decks of the Shenandoah, herself a British vessel, and when all those transactions had been fully made known to her Majesty's government, and when any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction, but actually within custody of agents of her Majesty's government. The other ground which is assigned for the enlargement of the offenders is, that none of them were subjects of Great Britain. Whereas, upon evidence which seems to this government entirely conclusive, all the offenders were either native subjects of the Queen, or had become, by some sufficient form of refuge or domicilia-

tion, amenable, equally with native subjects, to the penal laws of the realm.

The United States regret that they are unable to draw from these proceedings any other inference than the painful one that her Majesty's government have assumed to hold guiltless of all crime subjects of her Majesty who have, in a time of profound peace, waged naval war upon the high seas against unarmed citizens of the United States engaged in lawful commerce and navigation.

As a protest against these proceedings, you will read this dispatch to Lord Clarendon, and leave with him a copy, if desired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[For Lord Clarendon's reply to the above dispatch see his dispatch to Sir F. Bruce, dated January 19, 1866, and communicated to Mr. Seward February 8, 1866, printed with dispatch No. 1684 of Mr. Seward to Mr. Adams, February 12, 1866, *post.*]

Mr. Seward to Mr. Adams.

No. 1625.] DEPARTMENT OF STATE,
Washington, December 14, 1865.

SIR: Your dispatch of the 23d of November, No. 1095, has been received.

It is accompanied by a copy of two notes which Lord Clarendon addressed to you on the 17th and 18th of November, respectively, on the case of the Shenandoah, and by a copy of your reply made to both of those notes on the 21st of that month.

The President is content that you shall leave the case of the Shenandoah on the foundation on which it has been put by us in the long correspondence which you have so ably conducted to its present conclusion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1112.] LEGATION OF THE UNITED STATES,
London, December 21, 1865.

SIR: On the receipt of your No. 1612, of the 30th of November, I solicited an interview with Lord Clarendon, which he accorded to me yesterday afternoon.

I told him that my object was simply to furnish him with the reply of my government to the note which he had addressed to me on the 11th of November, in regard to the delivery of the Shenandoah and the disposal made of the crew. I recalled to his mind the brief terms in which I had acknowledged it, and my expression of a disinclination to add a word of my own to aggravate the feeling which I foresaw it would occasion. I had now received a dispatch from Washington, written after an

examination of the papers which I was directed to submit to him. With his consent, I proceeded to read the contents of the paper. Referring to the last clause in it, I concluded by offering to leave a copy of it.

His lordship accepted the copy, at the same time manifesting a little emotion. He only added that he should prefer not to say a word about it on the moment, but rather to reserve his observations upon it until he could commit them to writing. I replied that this was the course which I had presumed he would take.

A little desultory conversation followed. The views heretofore respectively taken of the two sides of the general question in dispute between us were reiterated with a little variation, but all in good temper, after which I took my leave.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For Lord Clarendon's reply to Mr. Seward's instructions to Mr. Adams No. 1612 see dispatch of Lord Clarendon to Sir F. Bruce, dated January 19, 1866, and communicated to Mr. Seward February 8, 1866, printed with dispatch No. 1684 of Mr. Seward to Mr. Adams, February 12, 1866, *post.*]

[From British Blue Book, No. 1, 1866, p. 163.]

No. 23.

The Earl of Clarendon to Sir F. Bruce.

[Extract.]

FOREIGN OFFICE, *December* 26, 1865.

SIR: Mr. Adams called upon me by appointment, and read and left with me a copy of a dispatch from Mr. Seward respecting the Shenandoah, and the surrender of that ship to the United States authorities.

I inclose a copy of the dispatch.

I told Mr. Adams that my sincere desire to do and say nothing that could impair our friendly relations with the United States alone prevented me from replying to the dispatch at once, and in the terms which I thought it deserved; and that if it was answered it would be so in writing. Mr. Adams said that was the course which he expected I should take.

* * * * * * *

I am, &c.,

CLARENDON.

[For this inclosure see dispatch from Mr. Seward to Mr. Adams, No. 1612, November 30, 1865, *ante.*]

Mr. Seward to Mr. Adams.

No. 1639.] DEPARTMENT OF STATE,
Washington, December 30, 1865.

SIR: I inclose herewith, for your information, an authenticated copy of an affidavit which was communicated to this department by William

Skiddy, esq., of Stamford, Connecticut, upon the subject of the letter of Sir James Elphinstone to the London Standard. Mr. Skiddy participated in the transaction referred to therein, and by his own statement destroyed the applicability of the precedent to Waddell's conduct.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Skiddy to Mr. Seward.

STAMFORD, CONN., *December* 18, 1865.

SIR: I have received your letter of December 13th instant, in reference to my communication made to the Hon. Gideon Welles, Secretary of the Navy, which contained an extract from the Herald, to the effect that Sir James Elphinstone had written to the London Standard, stating that precedent existed for the course of the Shenandoah in the conduct of the United States sloop of war Hornet in the year 1815—(given in James's History of the War.) I was, as then ranked, a midshipman master's mate on board the Hornet at that time, (equivalent to an ensign now,) and believe myself to be the only surviving officer—the rebel Admiral French Forrest excepted. We sailed from New York about the 22d of January, 1815. Two or three days after, we boarded a Portuguese brig in the Gulf Stream, but a dark night and increasing gale from the northwest obliged the boat and crew to return; and we were nearly lost before reaching the ship. This brig had been a long time at sea, and could not give us any news. I was the boarding officer. We had parted company with the Peacock and Tom Bowling. Nothing further transpired until about a month afterwards, when in latitude of the Cape de Verde islands we boarded a French merchant brig from Bordeaux, bound to the West Indies. I was the boarding officer, and conducted the captain on board the Hornet. Captain Biddle not speaking French, I was his interpreter, and the conversation was all carried on through me, and at its close I put the French captain on board his brig. We saw no other vessel until the 23d of March, 1815, when in the morning we made the island of Tristan d'Acunha, in latitude 37° 6′ south, and longitude 12° west. As we were getting ready to land, we discovered a sail standing for us. We laid off and on until after 1 p. m., when the action commenced, and in twenty-two minutes after his Majesty's sloop of war Penguin, nineteen guns, was a prize to the United States sloop Hornet. The Penguin was but a few days from the Cape of Good Hope, and without news of a peaceable nature. On the contrary, she told us that an English frigate was not far off cruising for American vessels. About a month after this, April 27th, 28th, or 29th, in latitude 38° 30′, longitude 33° east, we were chased, and under the fire of a British seventy-four, (Cornwallis,) but escaped by throwing our guns overboard. Thus disabled we steered for St. Salvador, where we arrived about the last of June, when and where we first heard of a cessation of hostilities. On receiving this news Captain Biddle steered for home, and we arrived in New York the latter part of July.

I have the honor to remain your obedient servant,

WILLIAM SKIDDY,

Late Naval Constructor for United States Mail Steamships.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

STATE OF CONNECTICUT, *County of Fairfield, ss:*

Be it remembered, that on this 20th day of December, A. D. 1865, before me, William H. Holly, a notary public in and for said State, residing in Stamford, in said county, duly commissioned and sworn, personally appeared William Skiddy, who subscribed to the foregoing letter directed to the Hon. William H. Seward, and made solemn oath to the matter therein contained as true and correct.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year above stated.

[SEAL.] WILLIAM H. HOLLY,
Notary Public.

[From the Melbourne Herald.]

ALLEGED PRECEDENTS FOR WADDELL'S COURSE.

Sir James Elphinstone writes to the London Standard on the subject of the Shenandoah, and furnishes an extract from James's Naval History to prove the depredations of that vessel, after the termination of the war, are not without a precedent. At the close of the war between Great Britain and the United States, the American sloop Hornet captured his Majesty's sloop of war Penguin, after a desperate engagement. The captain of the Hornet had previously been informed by a neutral of the cessation of hostilities, but he disregarded the notice, taking the Penguin, and proceeded in company with an American sloop, the Peacock, to the East Indies, in order to have their share of the prizes yet to be made. The Hornet became disabled and returned, but the Peacock entered into an engagement with an East India Company's vessel, named the Nautilus, and the latter was compelled to surrender. In these engagements lives were sacrificed, and the affair naturally made a great sensation at the time. Sir James Elphinstone refers to the incidents now, because they may assist in the discussion which will inevitably ensue upon the surrender of the Shenandoah.

Mr. Adams to Mr. Seward.

No. 1129.] LEGATION OF THE UNITED STATES,
London, January 5, 1866.

SIR: Not being altogether satisfied with the condition in which the case of the Shenandoah was left, under the statement of facts assumed by Lord Clarendon to be true in his note to me of the 2d of December, I took measures to search out, through Mr. Dudley, the consul at Liverpool, testimony from some persons on board of that vessel, as to what the truth really was. Not without difficulty he obtained and sent me an affidavit from one of the crew, which contained so much internal evidence of its substantial accuracy, that I thought it advisable to forward it at once to Lord Clarendon, with a note distinctly specifying the points in his own statement upon which it bore. His lordship has thus far contented himself with a cold acknowledgment. Understanding from Mr. Dudley that copies of the depositions have been already forwarded to you, I now send you copies of the other papers.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to the Earl of Clarendon

LEGATION OF THE UNITED STATES,
London, December 28, 1865.

MY LORD: Entertaining no desire to reopen the questions already discussed in connection with the steamer Shenandoah, I propose to submit the accompanying letter from the consul of the United States at Liverpool, and the two depositions to which it refers, solely for the purpose of placing more fully on the record what appear to be the facts connected with her cruise.

The points to which I desire particularly to call your lordship's attention are these:

1. In your note to me of the 2d instant you state "that no armed vessel departed during this war from a British port to cruise against the commerce of the United States."

2. In your note of the 4th of November your lordship is pleased to rely on the authority of the commander of the Shenandoah for the statement that he committed no depredations upon the commerce of the United States after he knew that the rebellion had been suppressed

3. In the same note you state, on the authority of the report of the officer sent to muster the crew, that there were no persons known to be British subjects on board.

On the other hand, with the aid of the narrative and list of the crew herewith submitted, I trust it may be made to appear—

1. That the Sea King did depart from a British port armed with all the means she ever had occasions to use in the course of her cruise against the commerce of the United States; and that no inconsiderable portion of her hostile career was passed whilst she was still registered as a British vessel, with a British owner, on the official records of the kingdom.

2. That the commander had been made fully aware of the suppression of the rebellion the very day before he committed a series of outrages on innocent, industrious, and unarmed citizens of the United States in the sea of Okhotsk.

3. The list of the crew herewith submitted, with all the particulars attending the sources from which the persons were drawn, is believed to be so far substantially correct as to set at rest the pretense of the officer sent on board that there were no British subjects belonging to the vessel.

Deeming it to be of the utmost importance to the establishment of the precise relations of neutral powers towards belligerents in future emergencies, that all the facts attending the share taken by her Britannic Majesty's subjects in the late war should be clearly placed before the world, I have ventured to take the liberty to ask of your lordship the privilege to consider these papers as intended to modify, so far as they may be fairly entitled to be regarded as doing so, the allegations of fact which appear in the notes to which they respectively refer.

I pray, &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL OF CLARENDON, *&c., &c., &c.*

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, December 18, 1865.

SIR: I have the honor to inclose you copies of two affidavits: one of William A. Temple, a very intelligent seaman, who shipped on the Shenandoah (then called the Sea King) in London, and remained on her during the cruise, and was discharged from her after she came to this port; the other that of Margaret Marshall, the wife of David Marshall, of Liverpool, who went out from here in the steamer Laurel, and joined the Shenandoah near the island of Madeira, in the capacity of a fireman. David Marshall was also on the Shenandoah during the whole of her cruise. At the time of his enlisting they gave him what is known as a half-pay note, for the one-half part of his wages, payable to his wife at the office of Fraser, Trenholm & Co., in Liverpool. This note was sent to Mrs. Marshall by her husband; it was for 3*l.* 10*s.* per month. Her affidavit shows that this money was paid to her at the office of Fraser, Trenholm & Co., Liverpool, monthly, during the cruise of the vessel, up to the month of October, 1865. That the last payment was made to her on the 18th day of October last.

The affidavit of Temple covers the time of the whole cruise, and gives an account of some of the events that occurred, with a list of the officers and crew, and their nationalities. By it you will see that she had twenty-six officers, thirty-three petty officers, fifty-four seamen, twelve firemen, and twelve marines, making, in all, one hundred and thirty-seven persons on board. Of these seventy-eight were British subjects, twenty-six foreigners belonging to other nations, and thirty-three Americans, divided as follows: Of the officers, nineteen Americans, and seven British subjects; of the petty officers, five Americans, twenty-three British subjects, and five other foreigners; of the seamen, nine Americans, twenty-six British subjects, and nineteen other foreigners; of the twelve firemen, all British subjects; of the twelve marines, ten British subjects, and two foreigners of other nations.

Among other matters, the affidavit shows that the Sea King, when she sailed from London, had two eighteen-pounder guns mounted upon her decks, and that these were the principal guns used during the whole of her cruise; that the day before they reached the island of Madeira they painted over the name of Sea King wherever it appeared on the vessel or any of the boats or fixtures; that on her arrival at Melbourne she was received in the most cordial manner by the officials and people at that port, and every facility afforded to obtain supplies and make repairs; that the officers of the Shenandoah were entertained on shore, and in their turn entertained the officials of Melbourne on board the Shenandoah; that Captain Waddell entertained privately on the Shenandoah the governor of Melbourne; that the government engineer at Melbourne was on the vessel two or three times a day, and if he did not superintend the repairs that were being made, at least gave them the benefit of his advice; that at the time they left Melbourne they had more than forty persons stowed away on board the vessel, all of whom were enlisted and enrolled upon the ship's articles before they were out of sight of land; that the ship was coaled there by the English ship John Fraser, of Liverpool; that notwithstanding they received information of the surrender of Lee and the termination of the war as early as the month of June of this year, they still went on burning and destroying all vessels they fell in with sailing under the United States flag, and

after receiving this information captured no less than nineteen vessels, all of which were either bonded or burned; that the flag generally used on the Shenandoah when speaking other vessels or decoying their victims was the English; that the men received their bounty-money when they enlisted and their wages afterwards in English gold; that the contract made with them was that they were to be paid in this money, and be discharged at an English port or placed on board of an English vessel after their several terms of enlistment had expired; that they were brought to the English port of Liverpool and entertained by Captain Whitehead, who sent off a boat-load of fresh provisions to them on the night of their arrival; that Jones & Co. on the following evening also sent off a boat-load of provisions, which the custom-house officers refused to permit to be taken on board; that the officers and crew were all discharged from the ship by Captain Paynter, of her Majesty's ship Donegal, the crew having been previously informed that on their names being called they must give their nationality as southerners; that the crew upon being landed at Liverpool were admitted into the Sailors' Home, and that they were paid there either the whole or part of the wages due them in money obtained at Liverpool.

I am informed that the Captain Whitehead who sent off the boat-load of provisions to the Shenandoah on the night of her arrival is a member of the firm of Whittaker, Whitehead & Co., Liverpool; and that the firm Jones & Co., who sent off the boat-load on the following evening, is the same firm that fitted out the pirate Georgia.

When you add to the facts disclosed in these affidavits those that were known before, that the vessel was built in Scotland; owned at the time she sailed upon her cruise by Richard Wright, an English merchant of Liverpool, in whose name she was registered in London, and who so late as October of this year stood there as her registered owner; that she was fitted out and sailed from London upon her cruise, was armed with English guns and wholly supplied from England, it seems to me that the character of this vessel as an English buccaneer is fully made out.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*Affidavit of William A. Temple.**

I, William A. Temple, of London, now residing in Liverpool, No. 108 St. James street, say I was born in Madras, and am a British subject. In October, 1864, I was in want of a ship, and stopping at Green's Sailors' Home in London, and I heard of the Sea King. I was called in the office by one of the officials. Captain Corbett of the Sea King steamer, afterwards called the Shenandoah, was there. I was asked for my discharge by Captain Corbett. I tendered him my papers; he told me he would ship me as an ordinary seaman; he told me he would give 35*s.* per month. This was on Wednesday. He told me to be down on the next Friday morning. I signed the articles of the Sea King for a voyage to Bombay, not to exceed two years, Captain Corbett giving me a note for one month's advance wages. I signed in the name of W. J. Jones, and I continued by that name, William John Jones, during all the cruise

* The blanks in this statement were not filled up in the copy forwarded by Mr. Dudley

of the Shenandoah. I went down on Friday; was told she would not go out until next morning, and that I must be on board by 4 o'clock. I went at the time mentioned, and found her going out of dock. I got on board; she was in command of Captain Corbett. We proceeded down the river at half speed. At the time we left London we had two 18-pounder guns mounted on the decks. These were the guns we generally used while on our cruise in bringing vessels to. I found on board Lieutenant Whittle, who was afterwards first lieutenant; he was on her as a cabin passenger under the assumed name of McDonald. There were several parties on board; some of them left us at Deal. Richard Wright, a merchant of Liverpool, who owned the vessel at the time, was one of them. The captain was on very intimate terms with Lieutenant Whittle, treating him with every deference. I became steward to the steerage officers, and remained in this capacity after I enlisted on the Shenandoah until a month after we left Melbourne, and I then went on deck and did duty as an ordinary seaman. We kept down the channel under easy sail and steam, and made the island of Madeira on the following Monday week. At the time we left London the name Sea King was on the stern of the vessel, on each bow, on all the boats, buckets, life-buoys, and other fixtures and furniture. The day before we reached the island of Madeira the name Sea King was either painted over or else scratched off. During that night we kept on and off. Next morning we ran into the harbor, signaled a small steamer lying there, which afterwards proved to be the Laurel. We went out of the harbor again; the steamer Laurel followed us. In two hours we reached a small island lying in an easterly direction from Madeira. The steamer Laurel anchored close into the shore, and we came alongside and dropped our anchor. She (the Laurel) soon came alongside and made fast to us. It was now for the first time that I learned what was up, and that she was going a privateering. The steamer Laurel was in command of Captain Ramsay, a British subject, who held a commission as first lieutenant in the confederate navy. The first mate, by name of Heasman, came to us and told us about it. He stated that the gentleman Whittle, who came with us, was to be first lieutenant, and told us that any of us who desired to join would get £4 10*s.* a month. As soon as the two vessels were fastened together they commenced transferring the guns, shot, shells, ammunition, clothing, &c., from the Laurel to the Sea King. We worked from about 2 o'clock that day until 3 o'clock next morning; during this time grog was served out to the men about every two hours. Captain Corbett, Lieutenant Whittle, and the officers and men of both ships, were busy engaged in making the transfer. After we finished we lay down and took a sleep and turned out again about 9 o'clock. As soon as the men were out we were all called aft by the boatswain of the Sea King; the men from the Laurel were also called on board. As soon as we got aft Captain Corbett came out with the ship's articles in his hands, and made a speech to us something to this effect: Men of the Sea King, you signed these articles with me to go to Bombay or any intermediate port, and if the ship should be sold on the voyage, you were to sign clear of her. Some one said, we did not hear anything about that in London; he replied, here it is, and read it to them. He then went on to say that he had sold the ship, and that those who wished to join the ship could do so; that they would be paid, on their signing a paper clearing from the Sea King, two months' wages, while those who did not want to join her were to take their clothes and go on the steamer alongside, which would take them to Liverpool, where they would be paid two months' wages upon signing a similar paper. Some of the men demanded that

they should be paid immediately. Captain Waddell was standing close to Captain Corbett at the time, in full confederate uniform, and as soon as Captain Corbett had finished, stepped forward and took his place by the side of Captain Corbett, and said: Men, I am an officer in the confederate navy, authorized to take command of this ship. He offered to read his commission, but the men said, no, never mind. He then said, any of you that feel inclined to serve under the confederate flag will get good wages and good treatment. I do not intend to fight; any one can see that this vessel was not made to fight; I intend to run away rather than fight, unless in a very urgent case. My orders are simply to destroy the federal commerce by burning and destroying all ships that I can find sailing under the federal flag. He said, as each vessel was taken they would be valued, and half of the value of each would be divided among the ship's company, and paid to them at the end of the war. Some one asked what bounty he would give; he replied, he would give £15 bounty, in gold; to able seamen he would give £7 per month, and those that were married could have their wages paid to their wives in Liverpool during the cruise. Notes were given to the married men for the half of their wages, payable in Liverpool at Messrs. Fraser, Trenholm & Co.'s office. These notes have been paid, as I have been informed, up to three weeks of our reaching Liverpool, in last month. He told the men, as the wages were high, they would only sign for six months, at the end of which time he would land them in some British port, if it lay in his power; if he could not do this, he would endeavor to place them on board a British vessel bound for the United Kingdom. He expected to make up his crew from the prizes he would take. He said her name was the Shenandoah, and that he was to command her. No confederate flag had up to this time been shown. The only flag used had been the English. Myself, Mr. Hutchinson, Mr. John Clark, and John Martin signed cleared of the Sea King, receiving each two months' wages from Captain Corbett, and then were sworn to the effect that we were to serve the Confederate States to the best of our ability, and never betray them; we signed this at the bottom. Efforts were made to get the other men to join; many from the Laurel did join; those who would not, returned to Liverpool, or started for there, in the Laurel. Mr. Smith, the purser of the Shenandoah, paid me the two months' wages for serving on the Sea King, also the bounty money for enlisting on her. It was about 12 o'clock when the Laurel left us; she steered towards Madeira, and we took a southwest course. On parting company with the Laurel we hoisted for the first time on the Shenandoah the confederate flag. It was up but for a few minutes; another vessel hove in sight, and we hoisted an English flag to her; she replied with the same flag. This was the 19th day of October, 1864, when we parted with the Laurel. Captain Corbett, and all the men who did not join the Shenandoah, went on the Laurel. We were ten or twelve days in stowing things away and mounting the guns. We had two guns mounted at the time we left London, each 18-pounder; we mounted four 68-pounders smooth-bore shell guns, and two long 32-pounder Whitworth rifle guns. These were all English guns. There were also rifles, revolvers, cutlasses, &c., in abundance. Each man at his quarters during our cruise was armed with a rifle, a cutlass, and a revolver. This was continued until the 3d of August last. There were but nineteen men besides the officers, at the time we left the Laurel. All these men were British subjects. All the guns, small-arms, and ammunition, as well as supplies, were from England; had been brought out either from London in the Sea King, or in the English steamer Laurel, from Liverpool. Our bounty money was paid us in English gold. Indeed,

Captain Waddell told us at the time we joined that our wages would be paid us in English gold. We were paid, at least myself, £2 in English money, at Melbourne, and since my arrival at Liverpool I have been paid by Mr. Lewis Wiggins, who held the post of signal quartermaster on the Shenandoah, about one-half part of my wages. This payment was made at the Sailors' Home, Liverpool, on the 13th of November, (last month, 1865,) in English money. This last payment was made by Wiggins and Charles H. Morton, one of the seamen; they told us we need not be afraid, we would get the rest of it. About the 29th day of October, 1864, we captured our first prize in the bark Alina, of Searsport, from Newport, bound to Bahia. When we got within signaling distance of her we hoisted the English flag. She replied by hoisting the American, and as soon as we got up near her, we fired a blank shot across her bows, and hoisted the confederate flag. She hove to, and an armed boat was sent to her. The vessel was condemned, and sunk. The captain and men were brought on board the Shenandoah, and all the men and officers, except the captain, were put in irons. The next prize was the schooner Charter Oak. She was bound from Boston to San Francisco. She was condemned and burnt. The captain had his wife and wife's sister on board. They were brought to the Shenandoah. The captain had about two hundred dollars. This Captain Waddell took from the captain, but gave it to his wife on leaving the Shenandoah. The captain of the Charter Oak represented that this was all he had in the world, now that his vessel was burnt. This vessel was loaded with furniture, provisions, preserved fruits, preserved vegetables, meats, &c. We took out sofas, furniture, preserved fruits, meats, &c., and transferred them to the Shenandoah; indeed, we almost unloaded her, and transferred her cargo to our vessel. We spoke a Danish brig, bound to Rio Janeiro; all the prisoners were placed on this vessel. Our captain made a bargain with the Danish captain to convey them there. A week or two afterwards we took our third prize, the bark D. Godfrey, of Boston, and bound from that port to ———. We condemned and burnt her. We then captured the schooner L. N. Stacey, of Boston, and from that port to Honolulu. She was condemned and burnt. The next vessel we captured was the Kate Prince. She was a ship from Cardiff to Bahia. Her cargo proved to be neutral. She was ransomed, and all our prisoners transferred to her. Our next prize was the bark Adelaide. She was condemned to be burnt; but while they were beaking up her cabin, a letter from her owners in Baltimore was discovered. It was brought on board, and the order to burn her was revoked, because she belonged to southern owners. She was released on giving a ransom bond for a small amount. She was under a Buenos Ayres flag. The next prize was a brigantine, the Susan, from Newport to Rio Janeiro, loaded with coal. She was condemned and sunk. The bark Edward was next captured west of the Cape of Good Hope. She was from Nantucket, and bound on a whaling voyage. We lay aside her for two days, transferring stores from her to our vessel. She was then condemned and burnt. The next day we made the island of Tristan d'Acuna, where there is a British settlement. We landed all our prisoners there, to the number of about forty. The next prize was east of the cape. It was the bark Delphine; she belonged to Portsmouth, New Hampshire; was in ballast. She was condemned and burnt. The captain had his wife with him. She and the rest were transferred to the Shenandoah. From this time until we arrived in Melbourne, on the 26th of January, we took no more prizes. We were well received by all the authorities and people at Melbourne. All the officials and most of the leading inhabitants of the place visited

the Shenandoah, and were very warm in their congratulations and well-wishes to us. The governor of Melbourne visited Captain Waddell, and was privately entertained by Captain Waddell on board the Shenandoah. There were eight thousand visitors came on board to see us in one day. All the government officials were on board to see us, and most of them were entertained on board, either by the captain or his officers. The government officials in Melbourne gave an elegant entertainment to Captain Waddell and his officers during his stay there; it was given at their club-room in Melbourne. Every facility was afforded to us, both by the officials and people of Melbourne, to make our repairs and to procure our supplies; indeed, everything we wanted. One very warm friend was a man by the name of———, formerly the United States consul there. A dinner was given to the officers of the Shenandoah, at a place called Ballarat, in the country. Mr. Smith, Mr. Grimball, Mr. Scales, Mr. Mason, Dr. Lenning, and Mr. Brown went. They were received at the station by some two thousand people, who cheered them as they passed. The English government engineer was on board our ship while we were undergoing our repairs three or four times a day, and certainly assisted them with his opinions and advice, if he did not superintend our repairs. We left Melbourne on the 18th day of February. When we left we had from fifty to sixty persons on board as stowaways; among them was Captain Robert Blackar, who commanded the English steamer Saxonia. It was known to the officers on board at the time we sailed that most of these men were on board. All these persons so stowed away on board were British subjects, and were enlisted or enrolled upon the ship's books as officers or men within twelve hours from the time we left our anchorage, and while we were within sight of land. Their names are mentioned in the list annexed hereto, and comprise all those set down in said list as shipping at Melbourne. Before we left Melbourne we were coaled by the ship John Fraser, from Liverpool, which I have since learned was sent out with coal expressly for us. It was some six weeks after we left Melbourne before we took another prize, during which time we were organizing a company of marines and drilling the crew. About the 2d of March we spoke the schooner Honolulu, under the Honolulu flag; the captain of the schooner told us there were six American whalers anchored in the harbor of the island of Ascension. We made all haste, steered directly to this island, and entered the harbor two days after. We found there four vessels, all whalers: the ship Hector, of New Bedford; ship Edward Carey, of San Francisco; the bark Pearl, of New London; and the bark Harvest, of Honolulu. This last vessel was from Honolulu, under the Honolulu flag, and in command of a citizen of Honolulu. These vessels were all lying at anchor in the harbor. The Honolulu bark was brought alongside, and all her supplies were removed to the Shenandoah; her captain was brought on board and placed in double irons, and kept in this condition for three or four days. The captains of the three American vessels were visiting the missionary on the other side of the island at the time we arrived, but most of them returned in time to see their vessels burned. We took possession of all the vessels, the three that were under the American flag as well as the one under the Honolulu flag. Within an hour after we arrived we took possession, and the savages of the island were told they might go and plunder the vessels and take whatever they desired. They took the boats belonging to the vessels, sails, furniture, supplies, &c. They almost stripped the vessels. We fired and burned the Pearl on the day we arrived; the next Monday, the 6th of March, we gave the Edward Carey and the Hector to the flames; the Honolulu

bark was burned about two days after. The vessels were all in the harbor at the time they were burned. The crews from all these vessels were turned on shore among the savages as soon as we took possession. All the captains upon their return, which was not until after we had seized their vessels, with their officers, were brought on board the Shenandoah, placed in irons, and kept there until we were ready to sail, when they were paroled and sent to the shore with their men among the savages. We left them there. The King of the island came on board while we were there. Waddell and his officers received him in full uniform, wearing their swords. He was brought aboard in the ship's gig, and entertained by the captain in his cabin, and shown round the ship. We left the island of Ascension about the 14th day of March last, and cruised for about a month off the coast of Japan, hoping to fall in with some of the United States traders with that country. The last part of May we entered the Okhotsk Sea; we there captured the whaling bark Abigail, of New Bedford. We lay alongside two days transferring the spirits, potatoes, and supplies from her to our vessel. There were on the vessel some twenty or thirty silk dresses which the captain and officers had purchased in Japan, and a quantity of fancy Japan work-boxes and fancy articles. All these were taken by the officers and men of our ship. The vessel was then burned. A part of the time we were lying by her our crew had reached the liquors, and were in a frightful state of intoxication. The second mate of this vessel, F. Manning, an American belonging to Baltimore, on coming on board, told our captain that he was well acquainted with the seas in the neighborhood, and would pilot the vessel Shenandoah to a place where we would find fourteen or fifteen United States whaling vessels together. He was placed upon the articles as ship's corporal, and gave the information to the captain. We afterwards, under his piloting, found eleven American vessels all together, nine of which were burnt as hereafter mentioned. Manning was at once, for this service, rewarded by being made a master's mate. He is now in London. After cruising for more than a week we made for Behring's Straits. In the month of —— we sighted two vessels within about nine miles from the land; they proved to be the ship William Thompson and ship Euphrates, both from New Bedford. They were both burned. While they were burning, another ship hove in sight; we gave chase under the Russian flag; she proved to be the English bark Robert Downs, of Sydney. We gave them our name as the Russian ship of war Prince Petropaulovski, bound on a cruise; she saluted us, and we parted. In two or three days, near the entrance of Behring's Straits, we sighted three more vessels; they proved to be the ship Milo, the bark Sophia Thornton, and bark Jerry Swift; they were all captured. The Milo was bonded on condition of her receiving the crews of the others and the prisoners we had on board; the others were burned. This was in the month of June. The next vessel we took was the brigantine Susan Abigail, of San Francisco; she was twenty-eight days from San Francisco, and bound on a general trading voyage in the Arctic Sea. She had many fancy articles on board, but we took nothing from her, but burned her immediately, as the captain and crew had told us that General Lee had surrendered and the war was over. It was on the —— day of June last when we captured and burned this vessel. This was the first news we had that the war was over. This news depressed us. On the following night, about 12 o'clock, we took three other vessels: the bark J. C. Nye, of San Francisco; bark Nimrod, of New Bedford; and bark Catherine, of New Bedford, all whalers. These three last vessels were captured and burned on the night of ———. The next vessels taken were

the bark Isabella, of New Bedford; the bark General Pike, of New Bedford; and the bark Gypsie, of New Bedford. They were captured on the ———. The General Pike was ransomed; the Isabella and a bark called the Gypsie, of New Bedford, were burned. The Isabella was brought alongside the Shenandoah, and her stores taken out and placed on our vessel before she was burned. The crews from these vessels were all placed on the General Pike. Another vessel was in sight, but the captains from the prize vessels told us she had the small-pox on board, and we let her pass, although she showed the American flag. Early in the morning of—— ———, the weather being foggy, we were very nearly being run into by the bark Waverley, of New Bedford. We took her and burned her. On the same day the fog cleared off, and we saw several vessels anchored in a bay or roadstead; they were about eight or twelve miles from land. Most were at anchor; some were with their sails furled up; there were eleven all together. We were at this time under the pilotage of Mr. Manning. It was through him that we had reached this point. They all hoisted the American flag. On our nearing them we too hoisted the American flag. The first vessel proved to be the bark Martha, of New Bedford; she was under canvas, and was just going to anchor; she was boarded by us and taken possession of. We then came up to a lot of them; they were the bark Congress, of New Bedford; bark Nassau, of New Bedford; bark Corington, of New Bedford; the ship James Murray, of New Bedford; the ship Brunswick, of New Bedford; ship Hilman, of New Bedford; the bark Nile, of New Bedford; the ship Isaac Howland, of Warren, Rhode Island; and the bark Favorite, of Fair Haven. This last vessel, on our boat going to board her, made resistance. Her captain pointed a bomb gun at us, and threatened to fire at us if we approached his ship. All his crew were armed with handspikes. At this time nearly all the vessels above mentioned were in our possession, and several of them were in flames, and the United States flag was still flying at our gaff or mizzen-peak; we had not any other up to this time flying. On receiving this hostile reception we returned to the Shenandoah, and informed the lieutenant what had happened. He hauled down the United States flag and hoisted the confederate flag on the Shenandoah, and approached with his vessel to within speaking distance, hailed the captain, and told him that every person must leave her within five minutes, or he would fire into and sink them. Captain Waddell ordered one of the Whitworth guns to be loaded, and repeated the order to point the gun to hit that ship. Before the five minutes had expired all the crew had left her in their boats; the captain refused to do so, and remained on board. First Lieutenant Whittle, on seeing that the crew had left the ship, hailed the bark again, and told the captain to haul down his flag. The captain replied that he would not. The first lieutenant then ordered our boat to be hauled up, and in great excitement snatched a loaded rifled from one of the marines, jumped into the boat, and told us to give way and pull with all our might. On approaching the vessel Lieutenant Whittle pointed the rifle at him, and told him if he did not within five minutes go and stand in the port gangway, leaving his arms on the poop, he would shoot him dead on the deck where he stood. The captain appeared to be intoxicated. We went round and boarded the vessel, took possession, and burned her. We bonded the two ships James Murray and Brunswick, and burned all the rest. The crews from the burnt vessels were placed on the Murray and Brunswick. After firing these vessels, we steered to the northward for a day and a night, but meeting with heavy sea we turned about and steered for the south. Manning protested against our turning about,

saying in a few more days he could find as many more vessels as we had already taken. Three or four days after, about the ———, we spoke a Honolulu brig; hailed and asked her what news she had. He replied that General Lee had surrendered, and the northern President had been assassinated. After this, on the 6th day of July, we left Behring Straits for the Pacific Ocean. When in the latitude of San Francisco, on the 2d of August, 1865, we spoke the bark Barracouta, of Liverpool, from San Francisco to Swansea, fourteen days out. We sent a boat on board, and he told us that the war was over, confirming the news we had heard before. On the following day all hands were called aft, and Captain Waddell told them it was indeed true that the South had been suppressed, and the war over. He told the men all they had to do was to obey him; that he intended to take them to a British port, and that however much trouble they might be put to, he and his officers would be in a much worse condition; but that if they would stand by him he would stand by them. He alluded to a letter which had been sent aft by the crew, requesting him to go into a British port. He told them he would go into a British port. Some wanted to go to Australia; but they all seemed well content with his ultimate decision to come to Liverpool. We rounded the Horn on the 13th September and made direct for Liverpool. When in latitude of the Cape of Good Hope the officers called a meeting, and signed a petition requesting the captain to run in and land them at Cape Town. Captain Waddell refused to accede to this. The next day Lieutenant Whittle waited on the captain, at the request of the officers, and renewed the matter. The captain still refused. On the following day the men held a meeting, and signed a petition to the effect that they were willing to go wherever the captain took them. He then continued on his course for Liverpool, where we arrived on the 6th November, 1865. Our general practice while cruising was, when we captured a vessel, to bring the men and officers to the Shenandoah and put them in irons. In some cases the officers were not put in irons. In approaching vessels our general practice was to hoist the English flag. This was done in most cases when we captured a prize or spoke a vessel. In a few instances we hoisted the Russian and American flags; but the English flag was the one we generally used. The only inducement held out for men from vessels captured to join our ship was this: After they were put in irons the officers would approach them and say: Now you are in irons, and will probably be kept there for a month, and you are earning nothing; now, if you will join us you will be set at liberty, treated well, and earn good wages; you had therefore better consent and do it. Many agreed to do this. F. Manning, the mate from the Abigail, was not put in irons at all. He became an active man among us as soon as he got on board, and volunteered his services to conduct us to the whaling fleet, and was thanked and complimented by the captain, and promoted for his services. When we captured a vessel we always took all the money, jewelry, chronometers, and other valuables that were in the ship, and all the money and jewelry that the captain and officers had in their pockets or about them, except their watches and what they were wearing. In one or two instances their watches were taken from them by our men. Complaint was made by the captains of this to our officers, but they never got any redress. After a vessel was condemned, and we had taken everything we wanted from her, we would proceed to break up her cabins and furniture with our axes, and then set her on fire That is the way we did whenever we burned them. There were two cases where we sunk them. A day or two before we arrived at Liverpool, Captain Waddell had all the men called aft. He commenced to address them, and said when the

ship first started she had $22,000 on board of her. Out of that he took $18,000 to defray the expenses in Melbourne; consequently, when he came to consider the large amount that was due to each one of us, the small amount of money left would go but a little way among us; but what there was should be equally divided among the officers and men, and on our arrival in Liverpool he would endeavor to see where the rest of our money was to come from. He said he had no doubt but that among the southern population of Liverpool, who had been so interested and concerned in the war, there would be some who would be willing to contribute to pay us, who had done so much. He then went on to say what satisfaction the good conduct of the crew during the cruise had given him, and he only hoped up to the last moment of their stopping in the ship they would behave in the same orderly manner. He added, "You have gained a name by serving in this vessel that will never be forgotten. Your acts will be talked of all over Europe." He said that when he got on shore it would be very annoying to him to have the men following him about Liverpool to the offices; he would therefore appoint Lewis Wiggins and James Brossman, to whom he would communicate, and who would communicate his wishes to the men. He promised to give us each a certificate of the exact amount due us. The day before we arrived in Liverpool we were paid the money that was promised on the ship—that is, the cash in hand was divided. My share was £5, which was paid me in English gold. A part of the crew were paid partly in English and partly in American coin. We came on shore at Liverpool on Wednesday evening, the 8th of November, 1865. We heard nothing more about the payment until the following Friday. I had gone to and was stopping at the Sailors' Home, in Liverpool. A majority of the men from the Shenandoah were stopping at the Sailors' Home, in Liverpool. No objection was made to our stopping in the Sailors' Home, in Liverpool. They admitted all who applied, but would not take the name of our ship. They put us down under the name of another vessel. On Friday Wiggins, who was stopping at the Sailors' Home with us, came and collected all the certificates that had been given us before we left the Shenandoah, showing the amount due to us, telling us that he would most likely pay us the following day. About 10 o'clock on Saturday, the 11th of November, 1865, he commenced to pay off the crew upstairs in his own room at the Sailors' Home. Morton acted as clerk. He called them in one by one, and commenced paying them in full in English gold. He paid off about one-half of the crew in full. The following day I went down to the Home and asked him to give me a few shillings, as I had not been paid, and he then told me there would not be enough money to go round and pay all. The next morning he commenced paying the crew one-half their wages, and retaining their certificates. There was due me £49 14*s*. I got only £22. This was paid me in English gold. That same evening Wiggins went to London in disguise. Morton took a second-class ticket to Bristol. On Friday, the 17th November, I went to the Waterloo Hotel, and there saw Captain Waddell. He took me up to his room. I asked him what prospect there was of our being paid. He told me he had given Wiggins enough money to pay all the men all that was due them, and he had no doubt but that Wiggins was acting for the best. This is the last time I have seen him; but several of the crew have seen him subsequently. We arrived at Liverpool on the afternoon of the 6th of November, as above stated, and anchored in the river Mersey, near her Majesty's ship Donegal. We came up with the confederate flag flying. Just as we anchored a lieutenant from the Donegal came on board. After conversing with Captain Waddell he left, and soon after

Captain Paynter, of the Donegal, came. He remained about an hour, and as he passed over the side of the ship said he would telegraph Earl Russell and let Captain Waddell know the answer as soon as he got it. That night a company of marines, with two officers, from the Donegal, came on board and took possession of the vessel. These men from the Donegal would not permit any of the officers or men to leave the vessel. That night Captain Whitehead, of Liverpool, sent off to the ship two barrels of ale, one of porter, a lot of fresh beef, fresh mutton, a large supply of vegetables, eggs, and cheese, enough for all hands, and two or three tubs of butter, with plenty of fresh bread. This was received on the vessel, and all hands partook of it. The next night Jones & Co. (or Jones, Highat & Co.) sent us off a boat-load of provisions, &c.; but the custom-house officers would not permit it to come on board. Captain Paynter visited the ship frequently. On the morning of the day we were released he came, and as he was going he said, "Men, you need not be impatient; you will soon be released; probably this evening. I am doing all in my power to obtain it for you. As soon as the formalities are got through with, and I receive the proper instructions, I will do it." That evening, the 8th of November, he came on board in a tug-boat. As he came on board he said, "I have come to release you, my men." He was cheered by the men. He went immediately aft. The men were all mustered. While we were mustering and making preparations to go aft, Captain Waddell sent some of the marines among the men to tell them they were all to be southerners when their names were called. I was myself told this by a marine by the name of John Ivors, who told me that the captain had sent him to tell all the crew. On being mustered aft in the presence of Captain Paynter and Lieutenant Whittle, in consequence of this information, we all stated that we were southerners when our names were called out. The mode was this: We were all mustered one side of the vessel. Lieutenant Whittle called our names and number, and as each man was called he passed in front of Captain Paynter, who addressed to each, "What countryman are you?" All the Englishmen, Scotch, or Irish answered that they were southerners. The other foreigners answered according to their nation. As soon as this was done we were told to get into the steamer as quick as possible, which we did, and were then landed at Liverpool. No parole was asked or taken from any of us. We were told we were at liberty. Mr. Lynch, the carpenter, married an English woman some time before our cruise commenced, and was living before and is now living in Liverpool. On Thursday or Friday, after we were landed, James Baines, a merchant of Liverpool, sent for all the officers of the Shenandoah to come to his office. The annexed list contains the names of all the officers, petty officers, and men of the Shenandoah after we left Melbourne up to the time we arrived in Liverpool. There were some men who left the ship at Melbourne, whose names I do not know. With two or three exceptions, the men and officers in the list are those that were landed at Liverpool. The list gives the nationality of each person, when he enlisted and when he left the vessel.

WILLIAM A. TEMPLE.

Sworn and subscribed to before me this 6th day of December, 1865, at Liverpool, in the county of Lancaster, in England, before me.

JAS. THORNLEY,
Notary Public, Liverpool.

List of the officers and men of the Shenandoah, referred to in the preceding affidavit.

OFFICERS.

James J. Waddell, commander; an American; came out in the steamer Laurel from Liverpool.

William C. Whittle, first lieutenant; an American; joined the Sea King at London.

John Grimball, second lieutenant; an American; came out in steamer Laurel from Liverpool.

Sydney Smith Lee, third lieutenant; an American; came out in steamer Laurel from Liverpool.

Frederick Chen, fourth lieutenant; an American; came out in steamer Laurel from Liverpool.

Dabney N. Scales, fifth lieutenant; an American; came out in steamer Laurel from Liverpool.

Charles Edward Lining, first surgeon; an American; came out in steamer Laurel from Liverpool.

Frederick McUlty, second surgeon; an American; came out in steamer Laurel from Liverpool.

Matthew O'Brien, first or chief engineer; an American; came out in steamer Laurel from Liverpool; was in the Alabama.

Charles Codd, first assistant engineer; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

John Hutchinson, second assistant engineer; a Scotchman; came out in and joined from the Sea King.

Francis McGuffney, third assistant engineer; an Irishman; came out in steamer Laurel from Liverpool; was in the Sumter and Alabama under the name of Curren.

Irvine S. Bullock, sailing master; came out in steamer Laurel from Liverpool; was in the Alabama. Is brother to J. D. Bullock.

John Blackar, an Irishman; captain in the English merchant service; joined at Melbourne as captain's clerk.

Orris A. Browne, a passed midshipman; an American; came out in the steamer Laurel from Liverpool.

John J. Mason, a passed midshipman; an American; came out in steamer Laurel from Liverpool.

Cornelius Hunt, master's mate; an American; came out in the steamer Laurel from Liverpool; was on the Georgia and Rappahannock.

F. C. Minor, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Alabama and Sumter.

Lodge Colton, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

H. Manning, master's mate; an American; joined us from the bark Abigail; was second mate on her.

W. B. Smith, purser; an American; came out in the steamer Laurel from Liverpool; was captain's clerk on Alabama.

George Howard, boatswain; an Englishman; belongs to the royal navy of England, or had served in it; came out in steamer Laurel from Liverpool; has been in the Alabama.

Peter Guy, gunner; an Englishman; has been in the royal navy of England; came out in the steamer Laurel from Liverpool.

John Lynch, carpenter; an American, from New York, but married to an English woman residing in Liverpool; came out in the steamer Laurel from Liverpool.

John O'Shey, carpenter, but resigned at Melbourne; came out in Laurel from Liverpool; was an Irishman by birth.

A. Alcott, sail-maker; an Englishman; came out in steamer Laurel from Liverpool; was on the Alabama.

PETTY OFFICERS.

Michael Moran, an Irishman; first captain of forecastle; came out in the steamer Laurel, from Liverpool.

William Warren, an Englishman; second captain of forecastle; came out in the steamer Laurel, from Liverpool.

Louis Rowe, a Frenchman; captain of main-top; joined us from bark Alina.

Robert Dunning, an Englishman; captain of fore-top; joined us at Melbourne.

Thomas Strong, an American; captain of mizzen-top; joined us at Melbourne.

Charles Cobbey, an Englishman; gunner's mate; joined us at Melbourne.

James Brennan, an Englishman; chief boatswain's mate; came out in steamer Laurel, from Liverpool; was on the Alabama.

Thomas Hall, an Englishman; quartermaster; came out in steamer Laurel, from Liverpool.

John James, an Englishman; carpenter's mate; joined us at Melbourne.

John Spring, an Englishman; captain of the hold; joined us at Melbourne.

William Crawford, an Englishman; gunner's mate; came out in the steamer Laurel, from Liverpool; was on the Alabama.

Lewis Wiggins, a Russian; signal quartermaster; came out in the steamer Laurel, from Liverpool.

Ernest W. Burt, an Englishman; doctor's steward; joined us at Melbourne.

James A. Exshaw, an Irishman; purser's steward; joined us at Melbourne.

Peter Ramond, a Frenchman; captain of fore-top; joined us from bark Alina.

William West, an Englishman; captain of main-top; belongs to royal naval reserve; joined us from bark D. Godfrey.

John Griffiths, an Englishman; captain mizzen-top; came out in the steamer Laurel, from Liverpool.

Henry Fox, or Henry Yates, an Englishman; gunner's mate; came out in the steamer Laurel, from Liverpool; was on the Alabama.

John Davy, an Englishman; boatswain's mate; joined us from bark D. Godfrey.

John W. Jones, a Welchman; quartermaster; came out in the steamer Laurel, from Liverpool.

Jacob Hanson, a Dane; quartermaster; joined us from the bark L. M. Stacy.

Francis Tuft, an Englishman; cooper; joined us from the Edward.

Franklin Gloon, (his right name is ——— ———,) sail-maker's mate; an American; joined us at Melbourne.

Charles McLaren, a Scotchman; master-at-arms; joined us at Melbourne.

James Marlow, an Englishman; wardroom cook; came out in the Laurel, from Liverpool.

Charles Hopkins, a negro, Baltimore; wardroom cook; joined us from schooner L. M. Stacy.

William Smith, an Englishman; ship's cook; joined us at Melbourne.

John Williams, a negro; ship's cook; joined us from bark D. Godfrey; left us at Melbourne.

William Bruce, a Malay; wardroom steward; joined us from bark Alina; left us at Melbourne.

David Alexander, a Scotchman; corporal of marines; joined us at Melbourne.

William Park, an American; corporal of marines; joined us from ship Hector.

William Fenner, an English boy; captain's steward; came out in the Laurel, from Liverpool.

H. C. Canning, an Englishman; joined us at Melbourne; died October 29, 1865.

SEAMEN.

John Collins, an American; joined us at Melbourne.

Thomas Foran, an Irishman; joined us at Melbourne.

Lawrence Kerney, an Irishman; joined us at Melbourne.

John McDonal, Scotchman; joined us at Melbourne.

John Ramsdale, an Englishman; joined us at Melbourne.

John Kilgower, a Scotchman; joined us at Melbourne.

Thomas Swanton, an Englishman; joined us at Melbourne.

James Welch, an American; joined us from bark Pearl.

John Morris, a Portuguese; joined us from ship Hector.

George Adeias, a Portuguese; joined us from ship Hector.

Walter Way, an Englishman; joined us from the Susan.

John Hawthorn, an Irishman; joined us from ship General Williams.

Alfred Seaman, a Prussian; joined us from ship S. Abigail.

Charles Graft, a German; joined us from ship S. Abigail.

Antonio Delombas, a Portuguese; joined us from ship Hector.

John Blacking, a Dane; joined us from bark D. Godfrey.

John Moss, an Irishman; joined us at Melbourne.

William Simpson, an Englishman; came out in the Laurel, from Liverpool; was on the Alabama.

Joachim Roderichs, a Portuguese; joined us from ship Hector.

George Flood, an American; joined us from bark D. Godfrey.

James Fegan, an Irishman; joined us at Melbourne.

Samuel Crooks, an Englishman; joined us at Melbourne.

John Simmes, an Englishman; joined us at Melbourne.

John Hill, an Irishman; joined us at Melbourne.

William Hutchinson, an Englishman; joined us at Melbourne.

Thomas Evans, Welchman; joined us at Melbourne.

Charles H. Morton, an American; joined us at Melbourne.

George H. Gifford, an American; joined us at Melbourne.

John Kelly, an Irishman; joined us from brigantine Susan Abigail.

John Dowden, an American; was mate on the Abigail, and joined us as seaman.

Julius Colar, an American; joined us from the ship General Williams.

Alexander Pattison, a Scotchman; joined us from the Susan Abigail.

John Hilcox, an Englishman; joined us from the General Williams.

Henry Canning, an Englishman; joined us at Melbourne.

Joseph Steveson, a negro; joined us from the Pearl.

John Vanarery, a Canadian; joined us from the Gypsey.

Michael Rose, called Reed; an Englishman; came out in the Laurel, from Liverpool; was in the Alabama.

William Bill, from Sandwich Islands; joined us from Abigail; died October 26, 1865.
Henry Givens, from Sandwich Islands; joined us from Abigail.
John Mahoe, from Sandwich Islands; joined us from Abigail.
Joseph Long, from Sandwich Islands; joined us from Abigail.
James California, from Sandwich Islands; joined us from Abigail.
James French, from Sandwich Islands; joined us from Abigail.
John Sailer, from Sandwich Islands; joined us from Abigail.
William Brown, from Sandwich Islands; joined us from Abigail.
Joseph Kanaca, from Sandwich Islands; joined us from Abigail.
John Boy, from Sandwich Islands; joined us from Abigail.
Edward Wicks, a negro; joined us from the Waverley.
W. J. Jones, an Englishman; came out in Sea King.
James Ross, a Canadian; joined us at Melbourne.
John Williams, an English boy; joined us at Melbourne.
James Oar, an English boy; came out in Laurel, from Liverpool.
Robert Rosell, a Spanish boy; joined us from the Hector.
Duke Simmons, a Malay; joined us at Melbourne.

FIREMEN.

John Martin, an Englishman; engine storekeeper; came out in the Sea King.
David Marshall, an Englishman; first-class fireman; came out in the Laurel.
Thomas McLean, a Scotchman; first-class fireman; joined us at Melbourne.
William Brice, a Scotchman; joined us at Melbourne.
William Green, an Englishman; joined us at Melbourne.
William Rawlinson, an Englishman; came out in the Laurel, from Liverpool.
William Clark, an Englishman; came out in the Sea King, from London.
William Burgess, an Englishman; joined us at Melbourne.
Joseph Mullineux, an Englishman; joined us at Melbourne.
Henry Sutherland, a Scotchman; joined us at Melbourne.
James Carr, an Englishman; joined us from the ship J. C. Nye.
James Stranth, a Scotchman; joined us at Melbourne.

MARINES.

Henry Reiley, a Canadian; joined us at Melbourne.
William Kenyon, an Irishman; joined us at Melbourne.
Robert Brown, an Englishman; joined us at Melbourne.
John Murray, an Irishman; joined us from the bark Abigail.
Emanuel Silver, Portuguese; joined us from the bark Abigail.
William Burnet, a Prussian; joined us from the bark Abigail.
Thomas Barry, an Englishman; joined us from the brigantine Susan Abigail.
Thomas Floyd, an Irishman; joined us from bark Favorite.
John Ivors, an Irishman; joined us from bark Favorite.
Thomas Poulson, an Englishman; joined us from bark Favorite.
James Clury, an Englishman; joined us from bark Favorite.
John Grimes, an Irishman; joined us from bark Favorite.

WILLIAM A. TEMPLE.
JAMES THORNLEY,
Notary Public, Liverpool.

Affidavit of Margaret Marshall.

I, Margaret Marshall, of No. 29 Benseidi street, Liverpool, say I am the wife of David Marshall. My husband was one of the firemen on the steamer Shenandoah, late in command of Captain Waddell. He went out from Liverpool in the Laurel, and joined the Shenandoah at the island of Deserta, near Madeira, and remained on her during the whole cruise, and left her only after her arrival at Liverpool last month. His wages were £7 per month. They gave him a half-pay note for me; it was sent to me by my husband from Madeira. It was for £3 10*s.* per month, made payable to me. It was payable at the office of Fraser, Trenholm & Co., Liverpool, No. 10 Rumford Place. It was paid regularly every month while he was gone, up to the 18th day of October last, on which day the last payment was made to me—I mean October, 1865. Mr. Robinson was the cashier in the office of Fraser, Trenholm & Co., who made some payments to me. The payments were made to me in person. They took my half-pay note from me at the office, and now have it.

MARGARET MARSHALL.

Sworn and subscribed to before me this 11th day of December, 1865.

JAMES THORNLEY,
Notary Public, Liverpool.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 30, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, inclosing further papers respecting the case of the Shenandoah, and to state to you that they shall receive due attention.

I am, &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1138.] LEGATION OF THE UNITED STATES,
London, January 26, 1866.

SIR: In connection with my dispatch No. 1129, of the 5th instant, reporting to you my note to Lord Clarendon relative to the deposition of Temple, I have now to transmit a copy of his lordship's commentary on that deposition, dated the 19th instant, and also of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *London, January* 19, 1866.

SIR: Her Majesty's government having had under their consideration, in communication with the proper law advisers of the Crown, your letter

of the 28th ultimo and its inclosures, respecting the case of the Shenandoah, I have now the honor to state to you that these papers contain the first evidence which has been submitted to her Majesty's government bearing on the alleged piracy of Captain Waddell, and on the alleged breach of the foreign enlistment act on the part of persons forming part of the crew of the Shenandoah, when she arrived at Liverpool.

With respect to the charge of piracy, Temple, who shipped on board the Sea King, according to his affidavit, as an ordinary seaman in the port of London, in October, 1864, certainly states that on some day of June last, Captain Waddell was told by the captain and crew of a vessel which he had captured, that General Lee had surrendered, and that the war was over. It does not appear that this statement of the captain and crew, if actually heard by Temple, was at the time confirmed by anything written or printed, such as newspapers, letters, &c., and the truth of Temple's statement may be greatly doubted from the entire silence of the protest of master of the William C. Nye, stated by Temple to have been afterward captured upon the same point. The William C. Nye, it is to be observed, as appears from the protest of which a copy was forwarded by you to Lord Russell, on the 21st of October last, was captured on the 26th of June. Captain Waddell continued to make prizes after this; but after the receipt of the next information, the date of which is not given, further than that it was before the 6th of July, Temple does not assert that any further prizes were made. The next date which he gives is the 2d of August, when Captain Waddell made further inquiries of the Barracouta, an English vessel, and upon receiving from her confirmation of the intelligence, determined to sail to England.

Her Majesty's government are advised that upon this evidence there would not be such a reasonable probability of obtaining a conviction on the charge of piracy as to warrant a prosecution. Temple's statement as to the first communication of the cessation of the war to Captain Waddell would probably be contradicted by witnesses on Captain Waddell's behalf; but even if it were uncontradicted, the jury might well doubt whether Captain Waddell really believed the information, of what he may reasonably have regarded as highly improbable, until it was subsequently confirmed, and if he did not believe it, the guilty knowledge necessary to his conviction would not be established.

With respect to the nationality of some of the crew of the Shenandoah, her Majesty's government think that the statements of Temple, although he does not show what means he has of knowing that any of the persons described as British subjects in his list are natural-born subjects of her Majesty, are such as to make further inquiries necessary. Endeavors will, therefore, be made to ascertain the present residence or whereabouts of those whom he describes to be British subjects, and to ascertain what further proof can be obtained on this subject. Mrs. Marshall cannot give evidence against her husband, but other evidence against him may possibly be obtained.

Prosecutions under the second section of the foreign-enlistment act will be instituted against any British subject, as to whom Temple's evidence can be confirmed by trustworthy testimony.

With respect to that part of your letter which refers to two eighteen-pounder guns being mounted on the deck of the Shenandoah when she left England, her Majesty's government have to observe, that if this were true, it would be immaterial, inasmuch as you do not assert that either you or her Majesty's government had information of it; and further, that the total silence of all witnesses in the case of the Queen *vs.*

Corbett, who had been examined by the United States consul on the subject of these guns, throws some doubt, to say the least, on this part of Temple's story. Independently of which, it is clear that the general armament and equipment of the Shenandoah, with the necessary munitions of war, were provided by the Laurel, and there is nothing to render it probable that without such equipments, and in the state in which she left this country, the Shenandoah, even if she carried the two guns alleged, was in the condition of an armed vessel, capable of committing hostilities against the United States.

Among other statements in the deposition of Temple, which appear to require notice, are some relating to the conduct of the governor and officers of the government at Melbourne, in Victoria.

Copies of your letter and its inclosures have accordingly been sent to the Colonial Office for inquiry as to the conduct of the authorities at Melbourne, as well as to the Home Office, with a view to prosecutions being instituted under the foreign enlistment act, if sufficient evidence can be obtained to warrant proceedings being taken against any parties.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, January 24, 1866.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 19th instant touching the evidence furnished in my letter of the 28th of December to certain facts connected with the cruise of the steamer Shenandoah. Whatever may be the weight attached to that evidence in a court of law, I have no reason to presume that, after the experience of preceding trials under the enlistment act, my government would desire to be understood as furnishing it in the expectation of such use. The present object is, if possible, to establish the truth, so far as it may be obtained from the best sources, and to place it on record in a permanent form. Fully believing that this may prove of eminent use to a comprehension of the precise nature of the obligations of neutral nations hereafter, I shall be happy to receive, myself, as well as furnish to your lordship, any further elucidation of the actual facts attending this extraordinary case that may appear, and that without any regard to the bearing which it may be supposed to have on any particular view of the questions thought to be involved.

I pray your lordship to accept, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1145.] LEGATION OF THE UNITED STATES,
London, February 1, 1866.

SIR: In connection with my dispatch No. 1138, of the 26th of January,

I now transmit a copy of Lord Clarendon's note of the 29th, in acknowledgment of mine of the 24th of the same month.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *January* 29, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply I beg to state that her Majesty's government will gladly co-operate with you in establishing the truth, not only as regards the Shenandoah, but in whatever may tend to render clear and practical the obligations of neutral nations.

I have the honor to be, &c., &c.,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 1684.] DEPARTMENT OF STATE,
Washington, February 12, 1866.

SIR: I inclose for your information a copy of a note of the 9th instant, which I addressed to Sir Frederick W. A. Bruce, relative to the contents of a note, a copy of which is also inclosed, of the 19th ultimo, upon the subject of the Shenandoah, from Lord Clarendon, who instructed Sir Frederick to communicate it to me.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

The Earl of Clarendon to Sir F. Bruce.

[Communicated by Sir F. Bruce, February 8, 1866.]

FOREIGN OFFICE, *January* 19, 1866.

SIR: In my dispatch No. 68, of the 26th ultimo, I transmitted to you a copy of a dispatch addressed to Mr. Adams by Mr. Seward, and which had been communicated to me by the former, protesting against the course pursued by her Majesty's government with regard to the Shenandoah.

Her Majesty's government have had this dispatch under their consideration in communication with the proper law advisers of the Crown, and I have now to state to you that it is impossible for her Majesty's government to avoid expressing their surprise and regret at the tone and style which throughout characterize it. The dispatch imputes to her Majesty's government in plain terms a determination to disregard "applications for justice" made by the United States government, and an intention to shelter from the punishment due to their offense persons known to be guilty of piracy.

Her Majesty's government think that, by not replying to this extraordinary and unfounded charge, they shall best consult their own dignity and exhibit their desire to maintain friendly relations with the government of the United States.

With respect to the proofs stated to have been furnished to her Majesty's government of the alleged guilty practices of the Shenandoah, and the statement as to the nationality of her crew, I have to make the following observations:

Mr. Seward, in his dispatch, while dwelling only upon the crime of piracy, which he assumes to have been committed by the commander and crew of the Shenandoah, says that the alleged offenders, when under the power of her Majesty's government, obtained their "discharge and unconditional enlargement" upon two grounds: First, that her Majesty's government had in their possession no evidence to impeach a prevaricating plea of the commander; and, secondly, that none of those persons were subjects of Great Britain; "whereas," he says, "upon evidence, which seems to this government entirely conclusive, all the offenders were either native subjects of the Queen, or *had become, by some sufficient form of refuge or domiciliation, amenable equally with native subjects to the penal laws of the realm.*"

Mr. Seward cannot be ignorant that her Majesty's government have never alleged the fact that none of these persons were shown to be subjects of Great Britain, as a reason for not prosecuting them for *piracy.* Foreigners guilty of piracy are as much amenable to the tribunals of this country as natural-born subjects. It was only with reference to a very different question, namely, whether any charge could be made under the foreign *enlistment act*, that the nationality of these persons was, or was ever alleged to be, material. That question of course depended upon the words of the particular statute under which the enlistment abroad or on the high seas of persons who had become, by any "form of refuge or domiciliation," or otherwise, amenable to British laws while in this country, would not be an offense, unless they were "natural-born subjects of her Majesty."

Mr. Seward does not commit himself to the assertion that her Majesty's government were in possession of evidence to show that any of those persons who formed the crew of the Shenandoah when she arrived at Liverpool were natural-born British subjects; and, as a matter of fact, it is certain that her Majesty's government were not in possession of such evidence, nor could such a fact be presumed in the absence of evidence, against individuals coming to Liverpool on board a confederate ship of war, and not shown to have enlisted within her Majesty's dominions.

To return to the first ground, the only material one, as to the charge of piracy, upon which her Majesty's government is, and so far truly, said to have acted; whether Captain Waddell's statement was or was not open to the charge of prevarication brought against it by Mr. Seward, it was not in the power of her Majesty's government to detain any of those men without laying an information against them before a magistrate in the ordinary course of law, and supporting it by at least some *prima facie* evidence. The simple fact is, that there was no such evidence. But Mr. Seward says, (1) that every part of the unlawful transaction complained of had occurred either in British ports or on the decks of the Shenandoah, *herself a British vessel;* (2) that all these transactions had been fully made known to her Majesty's government; and (3) that any parties who could give the necessary testimony for the conviction

of the pirates were not only within British jurisdiction, but actually within custody of agents of her Majesty's government.

Each of these propositions must be separately examined. The first seems to her Majesty's government to imply that Mr. Seward's charge of piracy against the Shenandoah is not founded upon the alleged continuance of hostilities by Captain Waddell after he had received notice of the termination of the war, but that he designates as piracy all the captures made by that vessel during the whole course of the war, and endeavors to support that pretension by the allegation that she was throughout "*a British vessel.*" To this it is enough to say, that such a view is opposed either to universally acknowledged principles of law, or to notorious and indisputable facts: to universally acknowledged principles of law, if Mr. Seward means to contend that the commander and crew of a vessel commissioned as a public ship of war by a revolutionary government which has been recognized as a belligerent power by neutral nations, can be charged in a neutral country with piracy, merely for capturing and destroying the ships of the other belligerent; to notorious and indisputable facts if he means to deny that the Sea King was transferred and delivered by former British owners and commander to agents of the Confederate States, by whom she was purchased, in order that she might be employed and commissioned by and in the service of those States, or that she was actually so employed and commissioned as a public ship of war, under the name of the Shenandoah, from a period antecedent to the first capture made by her down to the close of the war. It cannot be too distinctly understood that no charge of piracy could possibly be preferred or entertained against this vessel under these circumstances by her Majesty's government, or in the courts of this country, unless it had been satisfactorily shown that this ship willfully continued to seize and destroyed United States vessels after she was apprised of the termination of the war. But there is a further answer to the allegation that the Shenandoah is to be regarded as having been, while making war upon the United States, "a British vessel." When she arrived at Liverpool, Mr. Adams, on the 7th of November, 1865, requested her Majesty's government to take possession of her, "with a view to deliver her into the hands of his (the United States) government," taking notice at the same time of the "belligerent character" which, "in the eyes of her Majesty's government," she had possessed, though suggesting that there might be grounds for taking criminal proceedings against the persons on board, either because her "ravages" appeared to have been continued after her claim to a belligerent character had, at all events, ceased, or because several of those persons were "British subjects." Her Majesty's government having received from Captain Waddell the possession of this ship, surrendered by him expressly for the reasons alleged in his letter of the 6th of November, 1865, namely, that "as all the property of government had reverted by the fortune of war to the government of the United States of North America, therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted," complied with Mr. Adams's request, and delivered up the ship to the agents of the United States government, at the same time sending Mr. Adams a copy of Captain Waddell's letter. Mr. Adams, in a letter dated the 14th of November, 1865, stated that the consul of the United States at Liverpool had taken charge of the vessel under his instructions, and added, what has unfortunately not been verified by the event, that he entertained no doubt that the promptness of this proceeding would give great satisfaction to his government.

It is hardly necessary for me to point out to you that Mr. Adams's request for the delivery of this ship to the United States government could neither have been made nor complied with except upon the ground that she was, in the circumstances which had happened, the lawful property of that government. If she had been British owned, as Mr. Seward now desires to represent, the government of the United States could have had no possible claim or title to her, even though she might have been guilty of piracy; nor could the Crown of Great Britain have acquired any title to or disposing power over her, by means of any surrender of Captain Waddell in the port of Liverpool, or by any other means short of a regular forfeiture and condemnation by process of law.

To Mr. Adams, when he made the request, all this was of course perfectly well known, and he also knew, if not otherwise, at all events from the proceedings before Vice Chancellor Wood, in the case of The United States *vs.* Prioleau, taken by his own direction, that the government and courts of this country must necessarily recognize his government as entitled to the property in this vessel on the ground stated by Captain Waddell, namely, that she had been acquired and was possessed as public property by the persons who during the war had exercised the powers of government in the Confederate States; a ground which, I may add, was also distinctly recognized by the judge of the United States prize court in the case of the Wren. Her Majesty's government were at the time entitled to assume, and they did so assume, that this request was made upon this ground, on which alone it could be supported, and after having so obtained the delivery of the vessel, it certainly does not seem to her Majesty's government to be consistent in the government of the United States to deny that she was a public ship of war belonging to and commissioned by the revolutionary government of the Confederate States.

I have dwelt so much upon this point because it seems to be that upon which Mr. Seward really relies. I now proceed to examine his second statement, namely, that "all the transactions," supposed to make out a case of piracy against the Shenandoah, had been, "before the crew were released at Liverpool, fully made known to her Majesty's government." This confirms her Majesty's government in their impression that Mr. Seward does not mean to rely upon the allegation that the Shenandoah continued her ravages after she was apprised of the termination of the war. For the fact is, that the only particulars with respect to any capture or captures made by the Shenandoah, at any date or dates subsequent to the termination of the war, which had ever before that time been communicated to her Majesty's government, either by Mr. Adams or in any other manner, were contained in the documents relating to the capture of the William C. Nye, on the 26th of June, 1865, which were forwarded with Mr. Adams's letter to Earl Russell of the 21st of October last, and of which I now inclose copies.* Those documents, however, which included the protest of the master of the William C. Nye, made at San Francisco on the 7th of August last, are absolutely silent as to any notice or knowledge of the termination of the war, either by the captors or by the master and crew of the William C. Nye, or by any of the persons met by them on board the Shenandoah, who had belonged to the crews of vessels previously captured.

This seems to her Majesty's government to be very strong negative evidence that the termination of the war was not, in fact, known at the

* See letter of Messrs. J. C. Merrill & Co. to Mr. Seward, August 16, 1865, inclosed with Mr. Adams's dispatch to Mr. Seward, No. 1074, October 27, 1865, *ante*.

time when, and in the seas where, this capture took place. But whether that be so or not, these documents certainly did not put her Majesty's government in possession of any evidence showing, or tending to show, that the crime of piracy had been committed. There remains only Mr. Seward's third statement, that "any parties who could give the necessary testimony for the conviction of the pirates, were not only within British jurisdiction, but virtually within the custody of agents of her Majesty's government." As Mr. Seward has not explained to what persons he here refers, I can only say, that the existence of persons able to give such testimony was not then known or indicated to her Majesty's government; and if it was then known to the minister or any other agent of the United States in this country, it was not communicated by them to her Majesty's government. If Mr. Seward means that some of the persons forming the crew of the Shenandoah could themselves have given available evidence for the purpose, it is hardly necessary to observe that no such evidence was offered, or known to be available; and that it is not consistent with our usual method of administering justice to endeavor to extract from persons suspected, even on probable grounds of crime, admissions capable of being used against themselves.

Her Majesty's government have no further comments to offer upon this dispatch, except to repeat what they have formerly stated, that if the agents of the United States in this country, or any other persons, were in possession of evidence on which a charge of piracy against the officers and crew of the Shenandoah could have been supported before a magistrate, it was competent for them to have themselves preferred such a charge, and to have obtained a conviction thereon in due course of law.

You will read and give a copy of this dispatch to Mr. Seward.

I am, &c., &c.,

CLARENDON.

Hon. Sir Frederick Bruce, G. C. B., *&c.*, *&c.*, *&c.*

Mr. Seward to Sir F. Bruce.

Department of State,
Washington, *February* 9, 1866.

Sir: I have submitted to the President of the United States the copy of the paper which you read to me yesterday, and which was a dispatch concerning the Shenandoah, which was addressed on the 19th ultimo by Lord Clarendon to you. I have the honor to say in reference to the matters therein discussed, that the views which Lord Clarendon has expressed have not been effectual in changing the conviction which this government has already announced thereupon. It has been the purpose of this government to withdraw from correspondence concerning the class of cases to which the Shenandoah belongs. We have understood the British government as having adopted the conclusion that further discussion at the present time would be unprofitable.

We have not the least objection, however, to the addition of Lord Clarendon's present explanation to the record.

I have the honor to be,with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. Sir Frederick W. A. Bruce, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1216.] LEGATION OF THE UNITED STATES,
London, June 7, 1866.

SIR: I transmit herewith a copy of a note addressed to me on the 6th instant by Lord Clarendon, touching the questions raised by the cruise of the Shenandoah, together with copies of the inclosed papers.

I likewise send a copy of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *June* 6, 1866.

SIR: In my letter of the 19th January, replying to yours of the 28th December, on the subject of the Shenandoah, I had the honor to inform you that inquiries should be made into the conduct of the authorities at Melbourne during the time that that vessel remained at Melbourne, and that prosecutions should be instituted, under the foreign enlistment act, against any British subject who might be proved, by trustworthy testimony, to have taken service in that vessel, and I have now the honor to communicate to you the result of the action taken by her Majesty's government in this matter.

The statements in the letter from the United States consul at Liverpool, which were inclosed in your letter, were founded mainly upon the affidavit of a man named William A. Temple, described by the consul as being a very intelligent seaman, and also upon a statement made by a woman named Margaret Marshall, who swears that during her husband's cruise in the Shenandoah, she regularly received an allowance which was paid to her by Messrs. Fraser, Trenholm & Co., of Liverpool. In Temple's affidavit he dwells, among other things, upon the civilities exchanged, and the intimacy maintained between the governor and the officials at Melbourne and the captain and officers of the Shenandoah, and upon the advice and assistance given by the government engineers at Melbourne in the repairs effected, while the Shenandoah remained in that port.

These statements were summarized in your letter under three general heads:

1. That the Shenandoah had left this country armed with all the means she ever had occasion to use against the commerce of the United States, that is to say, with the two 18-pounders which Temple swore were mounted upon her decks when she sailed from London, and which, according to him, were the principal guns used during the whole cruise.

2. That Captain Waddell had been made fully aware of the suppression of the rebellion the very day before he destroyed a number of United States vessels in the sea of Okhotsk; and,

3. That the list of the crew, as furnished by Temple, effectually set at rest the pretense of Captain Paynter, of her Majesty's ship Donegal, that there were no British subjects on board the Shenandoah.

Taking Mrs. Marshall's affidavit first, I have the honor to state to you that Messrs. Fraser, Trenholm, & Co. declare the above statement to be

untrue, and that they never paid any money to her or to the wife of any other seaman of the Shenandoah. I have the honor to inclose a copy of a letter on this point from Mr. F. S. Hull, of Liverpool.

Passing on to the affidavit of Temple, I have the honor to call your attention to the annexed copies of two further letters from Mr. F. S. Hull, in which, by direction of Captain Waddell, he refutes the charge made against that officer of having destroyed United States vessels after he knew the war was over. It is no part of the duty of her Majesty's government to defend Captain Waddell's character, but as the charge was set forth in a letter which I had the honor to receive from you, I think it right to place you in possession of the answer which he has made to the charge, the more especially as you will learn from Mr. Hull's letters that the man Temple, before offering himself to the United States consul as a witness, had already volunteered his services to Mr. Hull, and that though Temple knew he was born in Madras, and had never been in America, he, nevertheless, offered to swear that he was born at Charleston. Under these circumstances Mr. Hull refused to have anything to do with Temple, who thereupon transferred his service to the United States consulate.

Under all the circumstances connected with this man, as above explained, and as they appear in the papers which accompany this letter, her Majesty's government consider that they are justified in regarding him and his affidavits as unworthy of credit.

I next proceed to notice the statement about the two 18-pounders, for the purpose of saying that her Majesty's government have every reason to believe that that statement is not true, and I beg leave on this point to refer you to Mr. Hull's letter of February 28, in which it is explained that the two guns which were mounted on the Shenandoah, when she left the river, were two signal guns.

The next point is the conduct of Captain Paynter, of her Majesty's ship Donegal, and I shall leave it to that officer to explain in his own language the circumstances of the case, and the course which he pursued with regard to the crew of the Shenandoah. Annexed you will find full extracts from the report on the subject made by that officer to her Majesty's government.

I shall equally allow the governor of Victoria to speak for himself with regard to the alleged intimacy between him and the government officials at Melbourne and the captain and officers of the Shenandoah, and also as to the aid and assistance stated to have been rendered to that ship by the government engineer at Melbourne, and I therefore annex a copy of the governor's report upon this subject, feeling assured that it will be accepted by your government as satisfactory.

It only remains for me to add, as regards the propriety of prosecuting under the foreign enlistment act any British subjects who might be proved to have taken service in the Shenandoah, that her Majesty's government were advised that it would be quite impossible with any prospect of success to institute a prosecution upon the uncorroborated evidence of Temple, and that the efforts to procure other testimony of such a character as would justify her Majesty's government in proceeding upon it have been unavailing.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hull to Mr. Bateson.

No. 6 Cook Street,
Liverpool, January 30, 1866.

Dear Sir: Messrs. Fraser, Trenholm & Co. instruct us to inform you that they never paid either Margaret Marshall or any other wife, or any seaman of the Shenandoah, a sixpence at any time.

Their name has, no doubt, been put into the mouth of an ignorant woman by the zealous detective who supplies information to the American consul.

Yours, truly,

F. S. HULL.

W. G. Bateson, Esq.

Mr. Hull to Mr. Bateson.

Liverpool, 6 Cook Street, *January* 26, 1866.

My Dear Sir: From the little I have seen of Captain Waddell, I am satisfied that nothing would distress him more than to think that any respectable person should believe that he was guilty of destroying shipping after he was himself satisfied, or even entertained any reasonable doubt, as to the termination of the war.

I am sure that if her Majesty's government want any information on this point, Captain Waddell will gladly give it, either to Mr. Greenwood or to yourself.

As I named to you to-day, Temple, *alias* Jones, is a fellow utterly unworthy of belief, and I am sorry that Mr. Dudley should be the dupe of such an unprincipled young rascal.

As I told you to-day, he volunteered to come to me, and after telling me that he was born in Madras, he said he was prepared to swear that he was born in Charleston, never having been in America in his life. I therefore declined his services, and he forthwith transferred them to Mr. Thompson, ex-detective, and thence to Mr. Dudley.

Captain Waddell has burst a blood-vessel since he came to this country, and is now in a very precarious state of health. I have not seen him for some months.

Believe me, &c., &c.,

F. S. HULL.

W. G. Bateson, Esq.

Mr. Hull to Mr. Bateson.

Liverpool, 6 Cook Street, *February* 28, 1866.

Dear Sir: I have laid before Captain Waddell your letter of the 22d instant, and the letters and affidavit which accompanied it, and he desires through me to offer the following observations upon these documents:

Mr. Adams found in the affidavit of Temple three grounds of complaint, which may be briefly alluded to as follows:

1st. That the vessel was armed when she left London.

2d. That Captain Waddell continued to destroy American shipping after he was made aware that the war had ended.

3d. That the vessel was mainly manned by British subjects.

We deal with the last charge first. Captain Waddell assures me that

he never enlisted any seaman at any British port, or within the jurisdiction of her Majesty's government. He never asked any seaman what his nationality was, and had no knowledge whatever on the subject.

With respect to the second charge, Captain Waddell states that on the 23d of June he captured a vessel called the Susan Abigail, which vessel had sailed from San Francisco, about the 20th of April, on a trading voyage to the Arctic Seas. She had newspapers on board, which contained the news of the surrender of General Lee, and also an address by President Davis to the southern people, issued from Danville, stating that the war would be carried on with renewed vigor.

Captain Waddell states that he did not destroy any vessels after the 28th of June, and that he did not obtain information of the actual termination of the war until he fell in with the Barracouta, on the 2d of August, when he at once disarmed his ship. Temple is a very young man, under twenty. He shipped as an ordinary seaman, and was at first employed as boy to wait on the officers in the steerage. He was disrated from this office, and put to duty on deck.

His affidavit contains a certain amount of immaterial truths, mixed with errors, and also every now and again a deliberate false statement. To several of these statements Captain Waddell offers the following observations. He says that he called on the governor at his official residence, but did not see him, and the governor never returned the call nor took any notice of him; nor did Captain Waddell ever speak to him either officially or privately. Captain Waddell did not entertain any of the officials of Melbourne. It is not true that the government engineer rendered any personal assistance or advice. The inspection he made was under the orders of his own government, as shown in the official correspondence. It is not true that the name of the Sea King was painted out before Captain Waddell took possession of her; it was not painted out until she had been a week or more in his possession; it is not true that the Shenandoah cruised for a month off the Isle of Japan; it is not true that the vessel had on board two 18-pounders; it is not true that money and jewelry and other valuables were taken from the officers and crews of the captured vessels, or that he put the captured crews in irons, in order to induce them to enlist; it is not true that Captain Waddell sent some of the marines among the men to tell them that they were all to be southerners when their names were called over before Captain Paynter. There are numerous other false statements in the affidavit of Temple, which Captain Waddell deems it to be unnecessary to answer, but he denies the above, partly because some of them, if true, would affect his personal character as a gentleman, and the others he denies because they are capable of being disproved by other evidence within the reach of her Majesty's government, and will show how utterly unworthy of belief this young man Temple is.

Captain Waddell delivered up the Shenandoah to her Majesty's government, and her Majesty's government handed her over to Mr. Dudley. Mr. Dudley, therefore, had it in his own power to ascertain the fact that there were no 18-pounders on board the ship. When the vessel was handed over to Captain Waddell, at Madeira, she had two signal guns, which we understand were put on board her by the orders of her Majesty's government when on her previous voyage she had carried troops for her Majesty's government. Her Majesty's government have, therefore, the means for testing the correctness of this story.

With respect to Temple, I may myself add, that unsolicited he called on me on the 24th November last and tendered his evidence on behalf of Captain Corbett. I asked him where he was born, and he said at

Madras. I asked him when and where he had enlisted into the Shenandoah, and he said at Madeira. I then told him I could not with propriety accept his evidence, as it would compromise himself, and as he was a British subject at the time of his enlistment. He then said he was prepared to swear that he was born at Charleston, and I declined to have anything to do with him.

I am, &c., &c.,

F. S. HULL.

W. G. BATESON, Esq.

Captain Paynter to the Secretary of the Admiralty.

[Extract.]

HER MAJESTY'S SHIP DONEGAL,
Rock Ferry, February 3, 1866.

SIR: I have the honor to acknowledge the receipt of your letter dated the 22d of January last, with its printed inclosures from Mr. Adams, United States minister, to the Earl of Clarendon, and in reply, beg to state that having received instructions from you dated the 6th of November, 1865, to prevent the late confederate ship of war Shenandoah from coaling or leaving the port of Liverpool, I placed a guard of officers and men on board, and took upon myself the responsibility of preventing Captain Waddell, the officers and men, from leaving the ship until I had your authority for so doing.

For three days the Shenandoah lay at anchor in the waters of the Sloyne, and had there been the slighest desire on the part of any person at Liverpool during her detention to give evidence that any of her crew were British subjects, every facility would have been afforded them by myself, the custom-house officers on board, and Lieutenant Cheek, the officer in charge of the Shenandoah, but neither from the American consulate, the police, customs authorities, nor by magistrate's warrant, was any information forthcoming. If there had been, I should, of course, have supported the civil power.

With reference to the discharge of the crew of the Shenandoah, in compliance with your order of the 8th of November, 1865, I beg to refer you to my letter of the 9th of November, and also to the letters which I herewith inclose, from Lieutenant Cheek and the paymaster of this ship, dated the 26th of January, 1866.

On the subject of Mr. Adams's remark, that Temple's list will "set at rest the pretense of the officer sent on board that there were no British subjects belonging to the vessel," I most courteously beg to say that to my knowledge the United States authorities had plenty of agents at their command in this port, who could have arrested under proper warrant any person suspected of infringing the foreign enlistment act on board the Shenandoah whilst under my charge.

As to the truthfulness or the falsehood of Temple's affidavit, I have obtained evidence that a young Indian calling himself William A. Temple, did, one month after the crew of the Shenandoah had dispersed, sign before Mr. Thornley, (public notary,) an affidavit giving a list of the supposed crew, and that it appears by W. A. Temple's own statement—

First. That he must have told a deliberate falsehood as to his nationality when he passed round and stated to me that he was an American seaman.

Second. That he considers himself defrauded by the confederate authorities of twenty-two pounds, due to him for wages.

Third. Mr. Woods, the landlord of No. 108 St. James street, states no man of that name lodged at his house.

Fourth. He admitted before Mr. Hamner, manager of the Sailor's Home, that a considerable portion of his affidavit, declared before Mr. Thornley, was false.

* * * * * * * * *

It appears to me scarcely possible whilst mustering out a crew to decide upon the nationalty or birthplace of most of the seamen frequenting this port; the enormous shipping trade with America, and the facility with which tickets of naturalization as American citizens can be obtained, secures absolute impunity in that respect, whilst the dress, style, and habits of the mongrel crews who man the vessels of this port are such complete disguises that I trust I may be pardoned, if as a British officer, accustomed during my whole period of service to the uniform and cleanly appearance of British men-of-war's men, I could not pronounce on my own responsibility whether some of the dirty-drawling, ill-looking, gray-coated, big-bearded men, who passed before me as the crew of the Shenandoah, were British subjects or American citizens.

* * * * * * * * *

I have, &c., &c.,

R. A. PAYNTER, *Captain.*

The SECRETARY OF THE ADMIRALTY.

Mr. Warwick to Captain Paynter.

HER MAJESTY'S SHIP DONEGAL,
Rock Ferry, January 24, 1866.

SIR: In compliance with your orders to report what I witnessed and heard on the occasion of the mustering of the crew of the Shenandoah, late confederate cruiser, on the evening of the 8th November last, I beg leave to state that I accompanied you on board that vessel to assist in endeavoring to ascertain whether any of the crew were British subjects; and to take notes and examine in the event of information of having infringed the foreign enlistment act being laid against any individual.

On proceeding alongside the Shenandoah in the ferry-steamer a number of the crew swarmed on board by the hawsers, but were persuaded by you to return to their ship.

I followed you into Captain Waddell's cabin and heard you ask him on his word of honor whether he was aware of any British subjects forming part of his crew? He assured you that he was not; neither did he believe there were any among them, and that they had all been shipped on the high seas. You then came out into the officers' mess place, called them round and asked if they were British subjects; they replied they were not, nor did they think any of the crew were.

At your request Captain Waddell directed the senior lieutenant to muster the crew, which he did from a book resembling a watch bill, and said to be the only muster-roll on board. Each man as he passed across the deck was carefully scrutinized and asked what countryman he was. Most of them stated that they came from one or other of the southern States, some were Sandwich Islanders and a few Portuguese, but none acknowledged to being British, and judging from their appearance and dress I do not think they were.

It was impossible, in the absence of any satisfactory proof, to have determined who were British subjects and who Americans, they were all so much alike, and the only means of ascertaining were those adopted by you, viz: questioning each individual as he passed at muster.

No information whatever was lodged against any one during the time we were on board the Shenandoah.

The crew appeared to me to be in a very excited state at having been detained on board for three days without any reason having been assigned or authority shown them for so doing, and I have no doubt that any further detention would have resulted in a serious riot.

I have, &c., &c.,

ROBERT W. WARWICK, *Paymaster.*

Captain J. A. PAYNTER,
Her Majesty's Ship Donegal.

Mr. Cheek to Captain Paynter.

HER MAJESTY'S SHIP GOSHAWK,
Rock Ferry, January 26, 1866.

SIR: In compliance with your order calling on me to report the proceeding on board the Shenandoah during her detention at this port by the British authorities, I have the honor to inform you that agreeably to instructions dated November the 6th, 1865, I proceeded in her Majesty's gunboat Goshawk under my command and lashed her alongside the vessel.

In the evening Captain Waddell informed me that the vessel having been taken in charge by the custom-house authorities, he considered himself, the officers and crew relieved from all further charge and responsibility of the ship, and that his authority over the crew would also end.

The following day (November the 7th) the crew requested that I would allow them to land, none of them having been on shore for more than nine months. I told them that under the circumstances it was not in my power to grant it, and persuaded them to remain quiet for a day or two, till orders could be received from London.

They then demanded to see my authority for detaining them. I explained that I acted under orders from you. They replied that you could have no charge of them without instructions from Earl Russell, the Foreign Office, or the American minister, as they were American subjects.

This evening, as on the previous one, I succeeded in pacifying the crew by reasoning with them.

On the following morning (November the 8th) the crew were getting riotous, and determined to remain on board no longer—eight or ten had already deserted. I, therefore, in a letter to you, explained the excited state the crew were in, and that I had heard from one or two of the officers their determination to leave the vessel that evening at all risks; I should therefore be compelled to let them escape, or else detain them by force.

The answer I received from you was that I was to act up to your orders, and the crew were to remain on board, but that you hoped soon to have instructions from London.

I would call your attention to the excited state of the crew by their conduct in attempting to desert, many of them jumping on board the

steamer and trying to conceal themselves when you came to muster and examine them, on which occasion I accompanied you into the cabin and heard you question Captain Waddell as to whether he believed any of his crew to be British subjects; he replied in the negative, and stated that he had shipped them all at sea. On your questioning the officers they also made the same statement.

The first lieutenant mustered the crew from a book of his own—the only list found on board—and you stopped and questioned the men as they passed before you.

Each one stated that he belonged to one or the other of the States of America.

The personal baggage of the officers and crew was examined by the custom-house officers, to prevent any American property being taken on shore.

On the evening of the 9th of November you again came on board the Shenandoah, and met the American consul in the cabin of a tug he had hired to bring him alongside. He then promised to send an officer to take charge of her, as a captured confederate cruiser, on behalf of the American government.

On the 10th of November Captain Freeman came on board and took charge, under orders from the American consul, and in compliance with your memorandum I handed the vessel and stores over to him.

On my leaving the Shenandoah Captain Freeman hoisted the American ensign and pendant, and proclaimed her a man-of-war.

During the time I was on board I received no information, nor could I obtain any evidence, that any of the crew were British subjects. Had I done so, I should have arrested them, and immediately communicated with you for further instructions.

I have, &c., &c.,

ALFRED CHEEK.

Captain J. A. PAYNTER,
Her Majesty's Ship Donegal.

Governor Sir Charles H. Darling to Mr. Cardwell.

[Extract.]

GOVERNMENT HOUSE,
Melbourne, March 21, 1866.

SIR: I have the honor to inform you, in reply to your dispatch No. 8, of the 30th January, that I saw the officer commanding the Shenandoah only upon one occasion. That occasion was the celebration of divine service in the church which I attend habitually.

I did not know who the stranger was until I received information on the subject. After the conclusion of the service he called to pay his respects to me at my office in Melbourne. I had not arrived at the office, and he left his card. He did not repeat his visit, and I have never exchanged a syllable orally with that gentleman. After this statement, I need scarcely say that I was not entertained, either publicly or privately, by him on board his vessel, and that he was not entertained in any way by me. I am certain that none of my ministers either offered to, or received from, him any attention.

Captain Waddell and his officers were, I am aware, entertained at a dinner party at the Melbourne Club. This dinner was not given by the club,

but by certain members of that association. I believe that some persons in the service of the civil government were among the hosts on this occasion. The entertainment, however, was a private one.

Some of the officers of the Shenandoah proceeded to Ballarat, I believe, upon invitation to attend a subscription ball. They were most enthusiastically received at that place, as they were by the commercial body of Melbourne generally. The gentleman whose name is represented by a blank in Mr. Temple's statement was no doubt a southern citizen who had been the American consul in Melbourne.

If any functionary answering to the description of the English government engineer visited the Shenandoah, I am sure it was for the purpose of inspecting the progress of the work, and informing the government of the prospect of being relieved of the presence of the vessel.

It is quite possible, of course, that he made suggestions by which he thought that this object would be more speedily accomplished; but my impression is that the person alluded to is the engineer or shipwright who was employed by Captain Waddell, under the permission to repair which he received from me.

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I have, &c., &c.,

C. H. DARLING.

Right Hon. E. CARDWELL, M. P.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, June 7, 1866.

MY LORD: I have had the honor to receive your note of the 6th instant, together with the papers to which it refers, touching certain points raised in the course of the cruise of the vessel known as the Shenandoah.

I have read the evidence thus presented with great care, but, I regret to say, without materially changing my conviction of the substantial correctness of the propositions which it became my painful duty to advance. The attempt made to break down the character of the principal witness, Temple, appears to me more successful than the invalidation of the chief facts stated by him, corroborated as they are by much incidental testimony, which has since that time come to my knowledge. But as it seems to me likely to serve no useful purpose to either of the two governments or nations to prosecute investigations into these painful details of a most unfortunate period to their harmonious relations, I shall pray your lordship's permission to transmit, without further comment, copies of these papers to my government, which will, I doubt not, give to them the respectful consideration due to the source from which they immediately come.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c., &c., &c.*

[For further reclamations for the depredations of the Shenandoah and other vessels see division "Negotiations Concerning Claims," *post.*]

NEGOTIATIONS CONCERNING CLAIMS.

NEGOTIATIONS CONCERNING CLAIMS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 29, 1862.

MY LORD: I have received your note of the 24th instant, from which it appears that her Majesty's government does not acquiesce in the disallowance of the claim on this government in the case of the ship Monmouth. Inasmuch, however, as this government still adheres to the opinion previously expressed that it cannot acknowledge its liability in that case, the difference of their views upon the subject would, it seems to me, best be adjusted by an investigation judicial in its character, similar to that authorized by the convention between the United States and Great Britain, of the 8th of February, 1853. This would appear to be the more advisable as there are several cases involving similar circumstances to that of the Monmouth, and others which have arisen and may be expected to arise out of the state of affairs in this country, embracing claims of United States citizens on her Majesty's government, as well as claims of British subjects on this government.

It is hoped that, if the suggestion should be acceptable to her Majesty's government, the time may not be distant when it may be carried into effect.

I avail myself of the occasion to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Mr. Stuart to Mr. Seward.

WASHINGTON, *July* 8, 1862.

SIR: Her Majesty's government have learned, with regret, from the note which you addressed to Lord Lyons on the 29th of May last, that the government of the United States continues to refuse its acquiescence in the justice of the claim of the owners of the ship Monmouth.

You were, however, pleased to suggest in that note that this and other claims of a like nature should be adjusted by an investigation, judicial in its character, similar to that authorized by the convention of the 8th of February, 1853, and you expressed a hope that, if the suggestion should be acceptable to her Majesty's government, the time may not be far distant when it may be carried into effect.

I have consequently been instructed by Earl Russell to inform you, in reply, that her Majesty's government agree to the principle of the proposal in question, as being on the whole perhaps the most satisfactory arrangement for all parties.

But it appears to her Majesty's government that the time for commencing such an investigation, and the precise nature of the claims to

be brought under review, must be maturely considered, justice to claimants requiring that there should be no unnecessary delay, and the interest of the two countries prescribing that no room should be left for subsequent differences on the meaning and extent of the proposed convention.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

W. STUART.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 212.] LEGATION OF THE UNITED STATES,
London, August 29, 1862.

SIR: I have the honor to transmit the copy of a note addressed by Lord Russell to me on the 25th instant, proposing to accept a suggestion made by you to the British minister at Washington touching the negotiation of a convention for the settlement of claims of the respective citizens of the two countries, and offering as a suitable form a modified copy of the convention of 1853. As I have received no notice from you of the existence of any such project, I have written a note in reply to his lordship, apprising him of the fact, and referring the subject back for advice to my government. A copy of that note is likewise subjoined.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 25, 1862.

SIR: Her Majesty's government have recently brought under the notice of the government of the United States a claim of the owners of the British ship Monmouth to compensation for losses sustained by them in consequence of their ship having been ordered off the whole southern coast of the United States of America by the United States steam frigate Niagara at a time when ports on that coast were either inefficiently blockaded or not blockaded at all.

The United States government have declined to acknowledge their liability for those losses, but Mr. Seward has suggested to her Majesty's minister at Washington that this case, as well as all other claims of British subjects on the government of the United States, and of United States citizens on her Majesty's government, should be adjusted under a convention between Great Britain and the United States similar to the one concluded between them on February 8, 1853, and has signified the readiness of the President to authorize the negotiation of such a convention whenever her Majesty's government might deem it expedient.

This plan appearing to her Majesty's government to be the most satisfactory that could be adopted under the circumstances, I have the honor to submit to you a copy of the convention of 1853, altered so as to render

it applicable at present. The only change in the stipulations of that convention which her Majesty's government have considered it expedient to make is that which places the selection of the arbitrator or umpire in the hands of the government, instead of in those of the commissioners.

Should you not feel yourself at liberty to sign the proposed convention without a previous reference to your government, I request that you will have the goodness to place the subject before them.

I avail myself of this opportunity to renew to you the assurances of the highest consideration with which I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 29, 1862.

MY LORD: I have the honor to acknowledge the reception of your note of the 25th instant, acceding to a suggestion made by Mr. Seward to her Majesty's minister at Washington touching the negotiation of a convention between the two countries similar to that concluded in 1853, and for the same purposes, and proposing to me a modified form of that instrument as a basis of action.

I regret to be compelled to ask a delay, for permission to refer the subject for the consideration of my government; but as it has not yet been alluded to in any of the instructions which have been conveyed to me, I shall do myself the honor to transmit a copy of your lordship's note, and of the form of instrument accompanying it, by this week's steamer to Washington, the response to which, so soon as it shall arrive, I will do myself the honor to communicate to your lordship at the earliest moment.

Renewing the assurances of my highest consideration, I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 344.] DEPARTMENT OF STATE,
Washington, September 15, 1862.

SIR: Your dispatch of August 29, No. 212, has been received. It is accompanied by a draft of a convention for the adjustment of mutual claims of citizens of the United States and subjects of Great Britain.

Earl Russell was correct in saying to you that such a convention was proposed by me on behalf of this government.

The general features of the draft are thought to be entirely proper. There seems, however, to be a necessity for some few amendments; these will be considered with little delay, and the instructions of the President will then be taken upon the subject, and you will probably

receive a power authorizing you to negotiate in the premises for the United States. You may communicate this information to Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 236.] LEGATION OF THE UNITED STATES,
London, October 10, 1862.

SIR: I have the honor to transmit copies of further notes which have been exchanged between Lord Russell and myself on the subject of the proposed convention for the settlement of claims referred to in your dispatch No. 344, of the 15th of September.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1862.

MY LORD: I am instructed to inform your lordship that the draft of a convention for the adjustment of mutual claims of citizens of the two countries, which you did me the honor to transmit through my hands, with your note of the 25th of August, for the consideration of the government of the United States, has been received. Its general features are thought to be entirely proper. There seems, however, to the Secretary of State to be a necessity for some few amendments. These will be considered, and the instructions of the President will be taken thereon with little delay. After which I am given to understand that a power will probably be sent to me authorizing me to negotiate in the premises on behalf of the United States.

I beg to renew the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 3, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, informing me that the draft convention for the adjustment of the mutual claims of British and United States subjects, which I had the honor to transmit to you on the 25th of August last, has reached Washington, and is under the consideration of the United States government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 375.] DEPARTMENT OF STATE,
Washington, October 21, 1862.

SIR: I inclose the President's power authorizing you to conclude a convention on the subject of claims of citizens and subjects of the two countries, respectively, for the governments of the United States and Great Britain. The form of the convention of the 8th of February, 1853, which accompanied your No. 212, is in the main acceptable here. I would suggest, however, that as most of the British claims originated in this country, and the papers relating to them are in the United States, Washington, instead of London, might be a more eligible place for the commission to sit. There is also, perhaps, some reason for us to expect to alternate with the British government in this regard, the last commission having sat in their capital. This, however, is not deemed a matter of sufficient importance to be insisted upon should it be strenuously objected to.

Some of the British cases, especially those arising from captures by our own blockading vessels, are pending in the courts, either those of the first instance, or in the Supreme Court of the United States. As every nation is expected to do justice toward foreigners by means of its judicial tribunals, and as the intervention of a foreign government is only warrantable when justice has been denied or unreasonably delayed, it occurs to me that a clause providing for this state of things should be inserted in the convention. The best place for this would perhaps be at the close of Article III. A draft of such a clause is hereunto appended.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

ADDITION TO ARTICLE III.

It is understood, however, that no claim shall be deemed proper for the consideration of the commission, if it shall be pending in a court of justice of either party during the time stipulated for the duration of the commission.

Mr. Seward to Mr. Adams.

No 377.] DEPARTMENT OF STATE,
Washington, October 25, 1862.

SIR: Your dispatch of October 10, No. 236, has been received. The project of the convention was returned with amendments by the last steamer, together with a power which will authorize you to complete the transaction, subject to the ratification by the President, by and with the advice and consent of the Senate.

If the extra-official speeches of members of the cabinet must be taken, as you suppose, to indicate an approaching act of recognition of the insurgents in derogation of the sovereignty of the United States, that circumstance will most necessarily be now taken into consideration. At the same time the decision of the President, to be made in anticipation of the event, need not be communicated unless contingencies should ren-

der it expedient. The mere apprehension of that great wrong will not justify you in declining to execute the convention. At the same time the President expects you to desist from all proceedings in the matter if such a recognition shall be actually pronounced, or in any way proposed to this government.

If the question, how such a recognition would affect the action of this government in regard to the convention, shall officially arise, you will in that case state promptly, and without reserve, to Earl Russell, that all negotiations for treaties of whatever kind between the governments will be discontinued whenever the complete and unbroken sovereignty of the American republic shall be denied by the government of Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 256.] LEGATION OF THE UNITED STATES,
London, November 6, 1862.

SIR: * * * * * * *

Under the authority conferred upon me by the powers transmitted in your dispatch No. 375, of the 21st of October, I immediately addressed a note to Lord Russell apprising him of the fact that I was prepared to proceed in the negotiation of a convention for the settlement of claims. A copy of that note is subjoined. I have not yet received any reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 4, 1862.

MY LORD: I have the honor to inform your lordship that I have received from the President of the United States the necessary power to conclude a convention on the subject of claims of citizens of the respective countries, as proposed in your note to me of the 25th of August, a copy of which I had laid before the government for its consideration. As I am directed to propose one or two slight modifications of the form of the convention of the 8th of February, 1853, suggested by your lordship as the one to be followed on the present occasion, I beg to add that I shall be happy to confer with you in regard to them at any time which it may be your pleasure to appoint.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 264.] LEGATION OF THE UNITED STATES,
London, November 21, 1862.

SIR: * * * * * * *

I then opened the second topic, which was that for which I had originally solicited the conference; I mean the proposal to negotiate a convention to settle claims. I informed his lordship of my reception of the necessary powers, and of my readiness to proceed. The original draft transmitted to me by himself had been accepted by my government, but there were two additional suggestions which I was requested to offer. One was touching the place of assembly of the commission provided for by the instrument. London had been designated in his lordship's form, but as that was the spot fixed upon in the former convention of 1853, which was just like this, it seemed no more than just reciprocity that this one should meet at Washington.

The second suggestion was in the nature of an addition to the third article, and intended to exclude from the sphere of the commission such cases as were at the time of its sessions still in process of adjudication in the legal tribunals of the respective countries. I then gave him a copy of the words as contained in your dispatch No. 375.

His lordship made little or no remark upon the first point. As to the second, he seemed to demur a little, on the ground that some cases might be referred to the courts which seem so clear as to need no adjudication. I asked how there could be any line of discrimination drawn. He thought there might be some modification of the language, and at any rate he would take it for advisement and let me know his answer hereafter.

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I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

[Extract.]

No. 730.] DEPARTMENT OF STATE,
Washington, October 6, 1863.

SIR: * * * * * *

Though indulging a confident belief in the correctness of our positions in regard to the claims in question, and others, we shall be willing at all times hereafter, as well as now, to consider the evidence and arguments which her Majesty's government may offer to show that they are invalid; and if we shall not be convinced, there is no fair and just form of conventional arbitrament or reference to which we shall not be willing to submit them. Entertaining these views, the President thinks it proper for you to inform Earl Russell that you must continue to give him notice of claims of the character referred to when they arise, and that you shall propose to furnish him the evidence upon which they rest, as is customary in such cases, in order to guard against ultimate failure of justice.

If he shall decline to receive the evidence, you will cause it to be duly registered and preserved, to be presented when a suitable occasion shall hereafter occur for renewing and urging prosecution of the claims.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[The above dispatch is printed in full under the head "Rebel Cruisers," subdivision "The Alabama," p. 176, *ante*.]

Mr. Adams to Mr. Seward.

[Extracts.]

No. 564.] LEGATION OF THE UNITED STATES,
London, December 31, 1863.

SIR: I have to acknowledge the reception of dispatches, numbered 782 to 785, inclusive; likewise copies of the President's message at the opening of Congress. * * * * * *

The message has, on the whole, met with a more favorable reception here than any preceding one under the present administration. It is construed as indicative of a restoration, both in the government and the people, to a state of consolidation which had not been looked for, and I may perhaps justly add, by no means desired. On the other hand, the address of Mr. Davis has done much to confirm the impression that the power of rebel resistance is gradually passing away.

The Times, the leading exponent of opinion, official and otherwise, in its customary review of the events of the year, published this morning, affects to consider the struggle as having been from the first an unequal one, much in the relation of Prussia to Belgium, or of Spain to Portugal. It might even more properly have instanced that of Great Britain to Ireland. Under such guidance there can be little doubt that the sympathy so artificially excited in favor of the rebels among the higher classes will be apt to die away. Especially will this happen should the threatening aspect of affairs in all parts of Europe take the shape now almost inevitable of a war more or less general.

In a review of the unfavorable appearances tending to such a result, which appeared in the same newspaper [The Times] a day or two since, is to be found a singular sentiment, of sufficient importance, in my opinion, to merit your especial attention. It is conveyed in the following sentence:

"In our two greatest risks and largest fields of danger our securities are of a very opposite character. We depend upon peace in Europe and upon war in America, for it is but too probable that a reconciliation between the southern and northern States, upon any terms, will be immediately followed by the most preposterous demands on this country."

I am not disposed to affirm that so contemptible a motive as the one here assigned actually controls the policy of the British government toward the United States. I well know that the Times reflects but indirectly and upon certain occasions the sentiments of the prime minister; hence that, as a newspaper, it cannot be identified as his organ. At the same time, on looking back through the period of our struggle from its first moment, it is impossible to avoid observing the leading tendency of the actual policy to have been substantially that here indicated.

It is a division of America that is for the interest of Great Britain. To the attainment of that end first came the precipitate recognition of the rebels as a belligerent power, and next, the stolid insensibility with which all remonstrances against abuses of the neutrality of the kingdom favoring the rebels were for a long time met; having, by reason of this conduct, which has essentially contributed to sustain the war of resistance, and thus effected the main purpose, incurred some liabilities to the United States for the omission to fulfill their declared pledges of neutrality, and having already had reclamations formally lodged with them for it. The next phenomenon is, that the very probability of becoming liable to respond to these demands in case of a restoration of the Union is resorted to as a further argument for persevering in their purpose to prevent it. Hence it necessarily follows that it is in the power of the reunited country to compel justice to be done to it by a wrong-doer which stimulates the conscience-stricken party to go on in the hope of securing his protection against a just responsibility for the original offense. It does not admit of a doubt that to the lowering aspect of European affairs are we mainly indebted for any relaxation of the policy pursued so steadily at the outset. The struggle more and more threatens to take a popular form, and to involve very large modifications of the governing influences in all the great nationalities.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

[Extract.]

No. 816.] DEPARTMENT OF STATE,
Washington, January 15, 1864.

SIR: * * * * * * * *

That the policy which her Majesty's government have thought proper to pursue in regard to the insurrection existing in this country has resulted in producing many grave claims on behalf of our citizens is a fact which manifestly appears in the diplomatic records of both countries. That these claims are sustained here by a deep and pervading popular conviction of their justice is apparent to all who weigh, however carelessly, the daily utterances of the organs of public opinion. It is, indeed, a question of deep interest to both countries whether this condition of things will generate, when our domestic peace shall have been restored, a policy of unreasonable and litigious exactions upon the British government. We may safely refer to our correspondence with her Majesty's government to prove that the government of the United States does not desire such disturbed relations as a consequence of our war, while, if it be not disrespectful, I may add that we are satisfied that her Majesty's government sincerely deprecates it. * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[The above dispatch is printed in full under the division "Propositions for Mediation and Intervention," Vol. I, p. 501.]

Mr. Adams to Mr. Seward.

No. 892.] LEGATION OF THE UNITED STATES,
London, March 14, 1865.

SIR: I seize the opportunity afforded to me by the dispatch agent, who is making up a bag for to-morrow's steamer, to send you a copy of the Times, of this morning, containing a full report of the great debate in the House of Commons last night on the relations with America.

I think both countries have some occasion for congratulation in the fact that at last British statesmen begin to open their eyes to the perception of the magnitude of the questions which have been involved in the present contest, and of the importance of recognizing the validity of the policy adopted by our government. This is the best guarantee yet given of the preservation of friendly relations. The tone of this debate, as well as the unequivocal manner in which it was sustained by the sentiment of the assembly, cannot fail to produce a great effect all over Europe as well as in America. I congratulate the President, as well as yourself, as being his chief adviser in his foreign policy, upon the testimony incidentally, but not the less decidedly, borne to the firm and dignified manner in which that policy has thus far been directed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For report of debate referred to see Parliamentary and Judicial Appendix, No. 23.]

Mr. Adams to Mr. Seward.

No. 893.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: I have to acknowledge the reception of dispatches from the department, numbered 1278 and 1279.

I had the honor to forward to you on Wednesday a report of the debate in the Commons on Monday evening, on the relations between the two countries. The effect of it in quieting the panic so artificially excited by the London Times on the one side, and the rebel agents and sympathizers on the other, has been very considerable. I am now in hopes that matters will go on for a while more quietly in Parliament. The effects of the rashness of Lord Derby have been neutralized by the wiser and more statesmanlike tone of his friends, Mr. Seymour Fitzgerald and Mr. D'Israeli. On the part of the former of these two the action is the more worth noting that he has heretofore been well known as entertaining a decided sympathy with the rebel cause. The speech of Mr. Bright is universally admitted to have been one of the most brilliant specimens of his peculiar style of oratory. In its reminiscences, equally unwelcome to both sides of the house, it was yet received after the fashion of an unpleasant medicine, which has the aid of a strong and savory medium to overwhelm the nauseous taste.

But although the mischief-makers are for the time defeated, it is not the less important to continue mindful of the machinations to which they are prone to resort on every opportunity. Manifestly the sore point is Canada, where the want of proper foresight on the part of the home government has furnished the means to the rebel intriguers of operating to irritate our countrymen to such an extent that the possible conse-

quences to that possession can be no longer overlooked. It cannot be pretended that you did not give them early and full warning through this legation. The record will remain beyond the possibility of obliteration. But it has always been a characteristic of the British government to fail in promptness—to act in anticipation of evils. The conviction of the necessity is not reached until after the moment when it has ceased to be of practical use. It was this peculiarity which gave rise to the war with us in 1812, a war which is now acknowledged to have been unnecessary and unwise. At the same time it may equally be affirmed that, had we studied more closely this characteristic, and been patient and forbearing a while longer, while awaiting the end of this process, the war itself might have been wholly avoided. The obnoxious measure which immediately brought it on was actually rescinded after it was too late to escape its consequences. This is a lesson not unworthy of study in the light of recent events. It is to be remembered that in almost every instance in which we have made representations and remonstrances throughout this struggle, they have been met, at the outset, coldly or with decided resistance. Yet it is equally true that, in the end, the justice or reasonableness of them has been either directly or incidentally conceded. The remedies have never beep seasonably or effectively applied. But the fact that they have been resorted to is a substantial and enduring recognition of the obligation, and a great security to the maintenance of a policy of peace.

I have already, in preceding dispatches, dwelt so fully upon the necessity of keeping under close observation the several changes of popular opinion as they occur, as well as of adapting ourselves carefully to the immediate emergency, that it is needless for me to enlarge upon it further. It is enough to say that the first sense of deep disappointment among the higher classes at the proper result of the struggle is slowly passing off. They are more or less prepared for a restoration of the Union, but the position of Canada will yet be for some time a ground for alarm, and possibly for much manifestation of ill will, if any circumstances should appear to justify it. I have taken some pains to ridicule the notion that we have the smallest desire to appropriate Canada by conquest. The ill-founded and unfortunate opinion expressed by Lord Russell in the early part of the contest, that, on our side, it was waged for empire, has been twisted to confirm an impression that we intend to spread our armies not merely over the slaveholding States, but over Canada on the one side and Mexico on the other. It is of no avail to represent to them that, even were it admitted to be our policy to acquire those countries, the true way to bring it about would be by patience, conciliation, and the establishment of a harmony of interests that would bring on that end as a perfectly natural result. These are not European ideas, and, therefore, stand no chance of being appreciated. The sense of the presence of half a million of men in arms, and of a powerful naval armament, with nothing to do, is much more distinctly defined to the imagination. It may not, therefore, be wholly unadvisable to bear in mind the existence of these apprehensions in shaping the tone and language that may be used to denote even constructively any ulterior policy of the government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For debate commented on see Parliamentary and Judicial Appendix, No. 23.]

Mr. Adams to Mr. Seward.

No. 927.] LEGATION OF THE UNITED STATES,
London, April 13, 1865.

SIR: I have the honor to transmit a copy of the note addressed by me to Lord Russell on the 7th instant, reference to which was made by me in my dispatch No. 917, of last week, as not then ready to be sent.

Lord Russell has acknowledged the reception of this note, but has delayed a reply, for the reason assigned in my No. 922, which goes to you hereafter.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Dispatch No. 922 is printed under "Enforcement of Neutrality," "General Subject," Vol. I, p. 641.]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 7, 1865.

MY LORD: I have the honor to transmit to you a copy of a letter addressed to the Secretary of State at Washington, by the consul of the United States at Rio Janeiro, Mr. Monroe, making a report of the depredations committed upon the commerce of the United States by the vessel known in the port of London as the Sea King, but since transformed into the Shenandoah by a process already fully explained in a note which I had the honor to address your lordship on the 18th of November last.

I regret to be obliged to add that this same vessel has been, since the date of Mr. Monroe's letter, heard of at Melbourne, from which place further details of similar outrages have been received. The particulars have been communicated to my government, but there has not been sufficient time for me to obtain its instructions in regard to them. I cannot doubt, however, that they will be the same in substance as those embraced in the last dispatch.

Were there any reason to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people has been materially relaxed or prevented, I should not be under the painful necessity of announcing to your lordship the fact that my government cannot avoid entailing upon the government of Great Britain the responsibility for this damage.

It is impossible to be insensible to the injury that may yet be impending from the part which the British steamer City of Richmond has had, in being suffered to transport with impunity, from the port of London, men and supplies, to place them on board the French-built steam ram Olinde, *alias* Stoerkodder, *alias* Stonewall, which has, through a continuously fraudulent process, succeeded in deluding several governments of Europe, and in escaping from this hemisphere on its errand of mischief in the other.

I am by no means insensible to the efforts which have already been made and are yet making by her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the government which I represent. While perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been my painful duty heretofore to submit have been met and attended to by your lordship, it is at the same time impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent has not only not been checked, but is even now going into execution with more and more complete success. That policy, I trust I need not point out to your lordship, is substantially the destruction of the whole mercantile navigation belonging to the people of the United States. The nature of the process by which this is coming about may readily be appreciated by a brief examination of the returns of the registered tonnage of her Majesty's kingdom for the last six years. I have the honor to append to this note a tabular statement of the number of merchant ships built, and of the tonnage owned in the United States, which have been transferred to British owners in the successive years, beginning with 1858 and ending in 1864, so far as the materials at hand from the official reports of the two governments can supply the information.

I trust it will be needless for me to do more than to point out to your lordship the inference deducible from this statement, to wit, that the United States commerce is rapidly vanishing from the face of the ocean, and that that of Great Britain is multiplying in nearly the same ratio. Furthermore, it is my painful duty to suggest that this process is going on by reason of the action of British subjects in co-operation with emissaries of the insurgents, who have supplied from the ports of her Majesty's kingdom all the materials, such as vessels, armament, supplies, and men, indispensable to the effective prosecution of this result on the ocean.

So far as I am aware, not a single vessel has been engaged in these depredations excepting such as have been so furnished, unless, indeed, I might except one or two passenger steamers belonging to persons in New York, forcibly taken possession of whilst at Charleston in the beginning of the war, feebly armed and very quickly rendered useless for any aggressive purpose. It may, then, on the face of this evidence, be fairly assumed as true that Great Britain, as a national power, is, in point of fact, fast acquiring the entire maritime commerce of the United States by reason of the acts of a portion of her Majesty's subjects engaged in carrying on war against them on the ocean during a time of peace between the two countries. I deeply regret to be constrained to add that every well-meant effort of her Majesty's government to put a stop to this extraordinary state of things down to this time has proved almost entirely fruitless.

I would most respectfully invite your lordship to produce in the history of the world a parallel case to this of endurance by one nation of injury done to it by another, without bringing on the gravest of complications. That in this case no such event has followed has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition toward the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent

operations of many of her subjects. But whilst anxious to do full justice to the amicable intentions of her Majesty's ministers, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for a rectification of these wrongs, it is impossible to resist the conviction that heretofore their measures, however well intended, have never proved effective to remedy the evils complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this evil had its origin in the first step taken, which can never be regarded by my government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labors of the subjects of the very country which gave it that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts, and the ports and harbors of the very power that furnished the elements of its existence in the outset. In other words, the kingdom of Great Britain cannot but be regarded by the government I have the honor to represent as not only having given birth to this naval belligerent, but also as having nursed and maintained it to the present hour.

In view of all these circumstances, I am instructed, whilst insisting on the protest heretofore solemnly entered against that proceeding, further respectfully to represent to your lordship that, in the opinion of my government, the grounds on which her Majesty's government have rested their defense against the responsibility incurred in the manner heretofore stated, for the evils that have followed, however strong they might have heretofore been considered, have now failed by a practical reduction of all the ports heretofore temporarily held by the insurgents. Hence the President looks with confidence to her Majesty's government for an early and an effectual removal of all existing causes of complaint on this score, whereby the foreign commerce of the United States may be again placed in a situation to enjoy the right to which it is entitled on the ocean, in peace and safety from annoyance from the injurious acts of any of her Majesty's subjects, perpetrated under the semblance of belligerent rights. I am further instructed to invite the attention of your lordship to another subject in this immediate connection.

From the beginning of this war the armed vessels of her Majesty have continued to enjoy full and free pratique in the waters of the United States. They have been welcomed in just the same friendly manner as has been heretofore customary when there was no exclusion of the same class of ships of the United States from the waters of Great Britain. It is the opinion of the President that the time has come when it may be asked, not only with strict right but also with entire comity, when the reciprocity of these hospitalities is to be restored. It is the expectation that the naval force of the United States in European waters will be augmented on or about the beginning of next month, when this question may become one of some interest. I am, therefore,

directed to solicit information from your lordship as to the reception which these vessels may expect in the ports of this kingdom.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

[Inclosures are printed under the head of "Rebel Cruisers," subdivision "The Shenandoah," with extract from preceding dispatch, No. 927, Vol. III, p. 348.]

Mr. Adams to Mr. Hunter.

No. 952.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: I have received from Lord Russell a note in reply to mine of the 7th of April last, a copy of which was transmitted to the department with my No. 927, of the 13th of April. Inasmuch as his lordship gives an official response to the two points of inquiry which I was instructed to propose, I send forward a copy of his note at once for the consideration of the President. Now that there seems to be very little left of the elements even of a *de facto* government in the insurgent States, the question raised is likely soon to expire by its own limitation. I perceive that in the House of Commons a question is about to be addressed to the government this evening relative to this subject. Should any reply of interest be elicited, I shall take care to furnish you a report of it.

In the note of Lord Russell he has thought it proper to expand the field of discussion by references to former events in a manner which appears to leave me no alternative to a reply. I am, therefore, now engaged in drawing up such a paper. This will leave entirely aside the two questions, the action upon which is of course reserved for the exclusive judgment of the government, and will relate only to the historical matter which has been brought into play. It will be impossible to get it prepared to send this week.

I am in hopes I shall be able to get a copy to you by the steamer of the next.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 4, 1865.

SIR: I have had the honor to receive your note of the 7th of April, forwarding a copy of a letter addressed by the consul of the United States at Rio de Janeiro to his government upon the proceedings of a vessel called the Sea King, or Shenandoah, which vessel you state has since been heard of at Melbourne, whence details have been received of outrages committed by her on the commerce of the United States. You then proceed to say "Were there any reasons to believe that the operations carried

on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented," you would not have had to announce to me "the fact that your government cannot avoid entailing upon the government of Great Britain the responsibility for this damage."

A British steamer, the City of Richmond, is next alluded to as having been allowed to take supplies from the port of London and to place them on board a French-built steam ram, known as the Stonewall; and you found upon the circumstances to which you have thus alluded a charge against Great Britain of not only not checking improper depredations on United States commerce, but of aiming at the destruction of the whole mercantile navigation belonging to the people of the United States; and while giving credit to her Majesty's government for endeavoring to check illicit proceedings of British subjects, you allege that the measures adopted in this respect by her Majesty's government have never proved effective, and that the evil of which you complain has its origin in the fact that her Majesty's government recognized the persons in arms against the United States as belligerents, and thereby improperly gave them a status which has led to a long continuance of hostilities; but as the ports held by them have fallen into the power of the United States, the President looked with confidence to a removal, by her Majesty's government, of this ground of complaint. You conclude by expressing a hope that the ships of war of the United States will be welcomed in British waters in the same friendly manner as has been heretofore customary.

Allow me to observe, in the first place, that I can never admit that the duties of Great Britain toward the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. The question is not what losses the United States have sustained by the war, but whether in difficult and extraordinary circumstances the government of her Majesty have performed faithfully and honestly the duties which international law and their own municipal law imposed upon them.

Let me remind you that when the civil war in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to her Majesty's subjects. Great Britain had previously carried on a large commerce with the southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people.

Had there been no war, the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States? He proclaimed, on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals to the southern States upon one ground only, namely, that the southern States were carrying on war against the government of the United States; in other words, that they were belligerents.

Her Majesty's government, on hearing of these events, had only two courses to pursue, namely: that of acknowledging the blockade and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade and insisting upon the rights of her Majesty's subjects to trade with the ports of the South. Her Majesty's government pursued the former course as at once the most just and the most friendly to the United States.

It is obvious, indeed, that the course of treating the vessels of the southern States as piratical vessels, and their crews as pirates, would have been to renounce the character of neutrals and to take part in the war; nay, it would have been doing more than the United States themselves, who have never treated the prisoners they have made either by land or sea as rebels and pirates, but as prisoners of war, to be detained until regularly exchanged.

So much as to the steps which you say your government can never regard "as otherwise than precipitate," of acknowledging the southern States as belligerents. It was, on the contrary, your own government which, in assuming the belligerent right of blockade, recognized the southern States as belligerents. Had they not been belligerents, the armed ships of the United States would have had no right to stop a single British ship upon the high seas.

The next complaint (often repeated, I must admit) is, that vessels built in British ports, and afterwards equipped with an armament sent from the British coast, have injured, and, according to your account, almost destroyed the mercantile marine of the United States.

Now, the only question that can be put on that subject is, whether Great Britain has performed faithfully the duties incumbent upon her. I must here ask you to recollect that our foreign enlistment act, as well as your foreign enlistment act, requires proof that the vessel has been, or is about to be, equipped or armed within our dominions for the purpose of assisting a state or a body of men making war on a state in amity with her Majesty. In the case of the Alabama, which is always referred to as affording the strongest ground of complaint against her Majesty's government, the papers affording evidence of a design to equip the ship for the confederate service were furnished to me by you on the 22d, and more completely on the 24th of July, 1862. They were reported upon by the law officers on the 29th of that month. But on that very morning the Alabama was taken to sea on the false pretense of a trial trip.

I contend that in that case, as in all others, her Majesty's government faithfully performed their obligations as neutrals. It must be recollected that the foreign enlistment act, though passed in the year 1819, had never been actually put in force, and that it is still doubtful whether the evidence furnished by you on the 22d and 24th of July, though it was deemed a sufficient ground for detaining the Alabama, would have been found sufficient to procure a conviction from a jury, or even a charge in favor of condemnation of the vessel from a judge. Again, I repeat, the whole question resolves itself into this: whether the British government faithfully and conscientiously performed their duties as neutrals, or whether they, from any motives whatever, were guilty of a grave neglect of those duties.

Upon this point it might be sufficient for me to appeal to the unprejudiced judgment formed and expressed at the time by Mr. Seward, after every material fact had been communicated to him by your dispatches of the 25th and 31st of July and 1st of August, 1862.* Writing to yourself on the 13th of August, 1863 [2?],† he expressed the President's approval of

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* Mr. Adams's dispatch to Mr. Seward, No. 201, August 1, 1862, is printed under "Rebel Cruisers," subdivision "The Florida," Vol. II, p. 608. Dispatches from Mr. Adams to Mr. Seward, Nos. 196 and 199, dated respectively July 25 and July 31, 1862, will be found under "Rebel Cruisers," subdivision "The Alabama," Vol. III, pp. 15 and 35.

† Mr. Seward's dispatch to Mr. Adams, No. 323, August 1, 1862, is printed under "Enforcement of Neutrality," "General Subject," Vol. I, p. 541. As will be seen, there is an error in the year in this reference of Earl Russell's. Mr. Adams refers to this in his reply, which will be found with his dispatch No. 964, *post*.

the action which you had taken with respect to the Oreto and the Alabama, (then called No. 290,) and added, "you will, on proper occasion, make known to Earl Russell the satisfaction which the President has derived from the just and friendly proceeding and language of the British government in regard to these subjects."

In maintaining this view of our duties, I have the satisfaction of thinking that her Majesty's government were supported by some of the highest authorities of the United States. In 1815 a correspondence began between the ministers representing Spain and Portugal and the United States government, respecting the practice of fitting out privateers in the ports of the United States, putting them under a foreign flag, and cruising against Spanish commerce. In January, 1817, Señor Onis, Spanish minister at Washington, says:

"It is notorious that although the speculative system of fitting out privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially in those of New Orleans and Baltimore, where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed; whole squadrons of pirates having been sent out from thence in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses either by the reclamations I have made, those of his Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose."

It does not appear that any compensation was ever made for any of these seizures.

But the remonstrances of Portugal are still more applicable. On the 8th of March, 1818, Señor J. Correa de Serra brought to the knowledge of the United States government the case of three Portuguese ships which had been captured by privateers fitted out in the United States, manned by American crews and commanded by American captains, though under insurgent colors, and he demanded satisfaction and indemnification for the injury which had been done to Portuguese subjects, as well as for the insult which had been offered to the Portuguese flag. To this letter the American Secretary of State, after reciting the complaint of the Portuguese minister, replied as follows:

"The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by capture over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible."

The Secretary of State who signed this dispatch bore a name most honorably known in the annals of the United States—the name of Adams.

The remaining events to be noticed in the history of the answers given by the United States to the complaints of Portugal during the wars of South America, and by Great Britain to the United States in the present war, may be recorded without any fear of comparison on the part of the government of her Majesty.

On the 20th of April, 1818, the amended act known as the American foreign enlistment act was passed.

On the 24th of November of that year, the Portuguese minister being asked by Mr. Adams to "furnish a list of the names of the persons chargeable with a violation of the laws of the United States in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of his sovereign, and of the witnesses by whose testimony the charge could be substantiated," replied to the following effect:

"He had found with sorrow multiplied proofs that many of the armed ships which had committed depredations on the property of Portuguese subjects were owned by citizens of the United States, had been fitted in ports of the Union, and had entered in several ports of the Union captured ships and cargoes by unlawful means. Many of these citizens of the United States had the misfortune of believing that they did a meritorious action in supporting foreign insurrections, and offered great difficulties in the way of every prosecution instituted by a foreign minister. Prosecutions were ordered by the government of the United States, but did not appear to have had much effect in checking the depredations complained of."

In March, 1819, the Portuguese minister alleges that, in contrast to the Spanish insurgents, who had ports and a long line of coast at their disposal, Urtegas, the chief whose flag was borne by United States privateers, was wandering with his followers in the inland mountains of Corrientes. "The Urtegan flag," he continues, "which has not a foot length of sea-shore in South America where it can show itself, is freely and frequently waving in the port of Baltimore. Urtegan cockades were frequently met with in that city in the hats of American citizens unworthy of that name."

In another note, dated the 23d of November, 1819, the Portuguese minister says: "I do justice to, and am grateful for, the proceedings of the Executive in order to put a stop to these depredations, but the evil is rather increasing. I can present to you, if required, a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which have been taken by these people during the period of full peace. This is not the whole loss we have sustained, this list comprehending only those captured of which I have received official complaints; the victims have been many more, besides violations of territory by landing and plundering ashore with shocking circumstances."

"One city alone, on this coast," he says, "has armed twenty-six ships, which prey on our vitals; and a week ago three armed ships of this nature were in that port waiting for a favorable occasion of sailing for a cruise."

In July, 1820, the Portuguese minister proposed that the United States should appoint commissioners to confer and agree with commissioners of the Queen of Portugal, in what reason and justice might demand.

But Mr. Adams again says, that for wrongs committed in United States territory Portuguese subjects have a remedy in the courts of justice; "but for any acts of the citizens of the United States committed out of their jurisdiction and beyond their control, the government of the United States is not responsible."

To this most just principle; which was again referred to Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the United States must be held still to adhere. No matter how many rich Portuguese ships were taken; no matter even what flag was borne by the vessels which took them; for these acts of the citizens of the United States, acting as the captains, officers, and crews of those cruisers, the United States government declared itself not responsible.

Nor was that government induced to depart from that ground by the urgent representations of the Portuguese minister, in his letter to Mr. Webster, of the 7th of November, 1850, "that by due diligence on the part of the government and the officers of the United States the evil might have been prevented;" and that "the fitting out of these vessels was not checked by all the means in the power of the government; but that there was a neglect of the necessary means of suppressing the expeditions." With regard to Spain the case was somewhat different, as the United States had many outstanding claims against the government of Spain; and, on the other hand, the claims of Spain were rested upon the interpretation placed by her on her treaty with the United States. The claims of the United States were used as a set-off against the claims of Spain on account of the depredations committed by the United States cruisers, commanded by United States captains, and in respect of other matters; and both orders of claims were renounced and abandoned by a treaty between Spain and the United States, concluded on the 22d of February, 1819.

Before I refer to the conduct of Great Britain during the present civil war, I must for a moment allude to an address of President Monroe in regard to the South American insurrections.

"The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement" Such is the statement of President Monroe in his special message of the 8th of March, 1822. It must be acknowledged that in this country the gallantry of the people of the southern States, in their endeavors to give to those States an independent position in the world, excited a large amount of sympathy. It must be acknowledged, also, that the desire of large profits from the sale of cargoes induced many of the Queen's subjects to engage in blockade running. But, on the other hand, it must be said that no British subject appears to have commanded a confederate cruiser, while United States citizens seem frequently to have acted as captains of the privateers which, under the flag of Buenos Ayres, or some other South American state, committed depredations on Spanish and Portuguese commerce. Nor was the vigilance of her Majesty's government at fault when, as in the case of the steam rams built at Birkenhead for a confederate agent, they were fully convinced that vessels of war were being constructed for purposes hostile to the United States. Indeed, so decided and so effective was the action of the government in detaining the vessels called the El Toussin and El Monassir, that it appears by the published parliamentary reports that a member of Parliament charged the government with having done, and with having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. Unfounded as that charge was, yet coming, as it appears, from high authority, it is obvious that nothing but the intimate conviction that those vessels were intended for confederate vessels of war, that unless detained they would attempt to break the blockade of the United States squadrons, and that such an act might have produced the gravest complications, could have sustained the government under the weight of charges thus urged.

Let us compare this case, in which her Majesty's government detained and seized the ships, with that of the Shenandoah, to which you refer, in which they did not interfere.

The Shenandoah was formerly the Sea King, a merchant or passage steamship, belonging to a mercantile company. She was sold to a merchant, and soon afterwards cleared for China as a merchant ship. Not

a tittle of evidence was ever brought before her Majesty's government by you or any one else to show that she was intended for the service of the confederates. Had it been alleged even that her decks were stronger than usual, apparently for the purpose of carrying guns, it might have been plausibly answered that the China seas abounded with pirates, and that guns were necessary in order to drive them off.

But it is said that guns and men were sent to meet a confederate vessel at sea. So far as guns are concerned, this is not an offense against our laws; nor am I aware of any authority in international law according to which the British government could be bound to prevent it. So far as men are concerned, they could not be interfered with without evidence of an intention or engagement to serve as confederate seamen, and no such evidence was ever offered to her Majesty's government. What if these guns and men were sent in a vessel which cleared for Bombay? Would it have been right for her Majesty's government, without evidence, to seize such a vessel? Would not proceedings thus unauthorized by law or by any legal grounds of suspicion have been loudly and universally condemned? It is true that arms were sent to the Olinde, a French vessel, and that the Sea King, having changed its character at sea, appeared afterwards as a confederate ship of war. But, in the words of Mr. Adams in 1818, "for such events no nation can in principle, nor does in practice, hold itself responsible."

With regard to the export of arms sent by individuals in this country to vessels on the high seas, it must not be forgotten that the government and courts of the United States have always upheld the legality of this traffic. On the subject of certain memorials of British subjects sent to the Secretary of State of the United States during the revolutionary war, Mr. Jefferson says, "We have answered that our citizens have always been free to make, send, or export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, with which we have no concern, would hardly be expected. It would be hard in principle, and impossible in practice."

This, be it recollected, was not the opinion of Mr. Jefferson alone. He wrote by the direction of General (then President) Washington.

With respect to the alleged destruction of the mercantile navigation of the United States, it must be noticed that it has been common to transfer American merchant ships, without change of cargo or of crew nominally to British owners, in order to avoid the higher rates of insurance payable during war. With peace, the mercantile marine of the United States will, I have no doubt, be at least as numerous as before.

I am happy to see that you declare yourself by no means insensible to the efforts which her Majesty's government have made, and are still making, to put a stop to such outrages in this kingdom and its dependencies, and that you cannot permit yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States; nay, further, you state that the avoidance of the gravest of complications "has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition toward the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent operations of many of her subjects." The question, then, really comes to this: Is her Majesty's government to assume or be liable to a responsibility for conduct which her Majesty's government did all in their power to prevent and punish?—

a responsibility which Mr. Adams, on the part of the United States government in the case of Portugal, positively, formally, and justly declined.

Have you considered to what this responsibility would amount? Great Britain would become thereby answerable for every ship that may have left a British port and have been found afterwards used by the confederates as a ship of war; nay, more, for every cannon and every musket used by the confederates on board any ship of war, if manufactured in a British workshop.

I now come to that part of your letter which relates to the future.

The late successes of the United States armies give us every reason to hope for a speedy termination of the war. In such case, the restrictions which have been imposed upon the vessels of the United States as belligerents will of course cease. In such case, also, it is to be presumed the cruisers and privateers of the confederates will be at once sold and converted into merchant vessels. But the present state of affairs does not allow me to speak with certainty upon this point.

The questions remain, however, first, whether the United States vessels of war will be now allowed to come into the harbors of her Majesty's dominions without other restrictions than those usual in times of peace; and another question closely connected with it, namely, whether the confederates are still to be treated as belligerents.

My answers are the following: In regard to the first question, her Majesty's government are quite willing that vessels of war of the United States shall be treated in the ports of her Majesty in the same manner as her Majesty's vessels of war are treated in the ports of the United States, with this single exception, that if an enemy's vessel of war should come into the same port, the vessel which shall first leave the port shall not be pursued by its enemy until twenty-four hours shall have elapsed.

Before answering the second question I wish to know whether the United States are prepared to put an end to the belligerent rights of search and capture of British vessels on the high seas? Upon the answer to this question depends the course which her Majesty's government will pursue.

All that I can do further is to assure you that her Majesty's government, who have lamented so sincerely the continuance of this painful and destructive contest, will hail with the utmost pleasure its termination, and will view with joy the restoration of peace and prosperity in a country whose well-being and happiness must always be a source of satisfaction to the sovereign and people of these realms.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Hunter.

No. 964.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I now have the honor to transmit a copy of my reply, dated the 20th, to Lord Russell's note of the 4th instant, which I have already, in my No. 952, mentioned as being in preparation. After it was completed, owing to its great length, it took several days to make the necessary fair

copies for transmission to his lordship, as well as to you. I am in hopes that it will dispose of the subject, at least for some time to come.

Lord Russell, on the 22d instant, sent me an acknowledgment of the receipt of it, as will appear by the copy herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM HUNTER,
Acting Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 20, 1865.

MY LORD: I have had the honor to receive your note of the 4th instant, in reply to mine of the 7th of last month. I have already taken the earliest opportunity to transmit a copy to my government.

If it should not so happen that the course of events dispose of the matter beforehand, I shall probably receive instructions which will enable me to give the information which your lordship appears to desire. Pending the receipt of these, however, I must ask pardon for observing that in the notice which you have been pleased to take of the argument submitted in my note, you have so far extended the field of discussion as to make it my duty to proceed in it still further. And here I would beg leave to remark that if I am to judge of the general statement made of my position by the abstract of it presented to me by your lordship, I must have very grievously failed in offering the logical sequence of my propositions as distinctly as I had desired to do.

This will render necessary another effort to place them before you in the following brief recapitulation:

It was my wish to maintain—

1. That the act of recognition by her Majesty's government of insurgents as belligerents on the high seas before they had a single vessel afloat was precipitate and unprecedented.

2. That it had the effect of creating these parties belligerents after the recognition, instead of merely acknowledging an existing fact.

3. That this creation has been since effected exclusively from the ports of her Majesty's kingdom and its dependencies, with the aid and cooperation of her Majesty's subjects.

4. That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports.

5. That during the same period it has been the constant and persistent endeavor of my government to remonstrate in every possible form against this abuse of the neutrality of this kingdom, and to call upon her Majesty's government to exercise the necessary powers to put an effective stop to it.

6. That although the desire of her Majesty's ministers to exert themselves in the suppression of these abuses is freely acknowledged, the efforts which they made proved in a great degree powerless, from the inefficiency of the law on which they relied, and from their absolute refusal, when solicited, to procure additional powers to attain the objects.

7. That, by reason of the failure to check this flagrant abuse of neutrality, the issue from British ports of a number of British vessels, with the

aid of the recognition of their belligerent character in all the ports of her Majesty's dependencies around the globe, has resulted in the burning and destroying on the ocean of a large number of merchant vessels and a very large amount of property belonging to the people of the United States.

8. That, in addition to this direct injury, the action of these British-built, manned, and armed vessels, has had the indirect effect of driving from the sea a large portion of the commercial marine of the United States, and to a corresponding extent enlarging that of Great Britain, thus enabling one portion of the British people to derive an unjust advantage from the wrong committed on a friendly nation by another portion.

9. That the injuries thus received by a country which has meanwhile seduously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification.

In making this recapitulation, it is no part of my design to go over any of the reasoning which has already been exhausted in the correspondence which I have had the honor heretofore to hold with your lordship. I shall endeavor to confine myself to such points as may have been raised by the new matter embodied in the note to which I now have the honor to reply.

With regard to my first proposition, I have ventured to affirm that the recognition of the insurgents as belligerents on the 13th of May was precipitate and unprecedented.

That it was precipitate is clear from the fact that not a single vessel entitled to the character was at that moment afloat on the ocean, and that even on the land the war itself had barely commenced in the bloodless capture of Fort Sumter.

That it was unprecedented, I must infer that your lordship does not design to dispute, since it appears that you have not availed yourself of my invitation to furnish me with any example.

Nevertheless, I have endeavored, so far as I was able myself, to investigate the matter, in order that I might be fully satisfied in regard to the solidity of the reasons which your lordship has done me the favor to offer for so suddenly taking this step. I have found in history an abundance of instances of insurrections either temporarily or ultimately successful. In most of them there was much more of necessity pressing upon neutral powers for deciding the points to which your lordship has referred in your note; but I have failed to discover a single occasion upon which any of the powers made a decision in anticipation of a case of immediate necessity presenting itself to their attention.

In this connection I may perhaps be pardoned for reminding your lordship of the circumstances connected with the breaking out of the revolution in the British colonies in America. It could not then be said that cruisers and merchant vessels did not at once swarm on the ocean; neither was the other contingency absent of the decision of her Majesty's government to close some ports and to blockade others. Yet I do not perceive that France, however well inclined to do, did actually take a single step to declare, by proclamation, these insurgents as belligerents at any time. The course which it did take, the same which I find to have been usual, was to await the arrival of an insurgent vessel in her ports. When that event did happen, a decision was made. It was received as belonging to a belligerent. The same course was likewise

taken in Holland. But I must beg leave to remind your lordship that even this quiet proceeding was instantly denounced by her Majesty's government in both cases as a wrong, demanding reparation, and was made one of several grounds for which, in the end, Great Britain made war successively against each nation.

But the immediate recognition of the insurgents by a proclamation was not the only unprecedented proceeding resorted to by her Majesty's government to create a status which had no actual existence.

In advance of that step it now appears that measures were taken, and overtures made to effect a species of diplomatic negotiation with the so-called authorities at Richmond for the purpose of gaining their adhesion to the four points of the celebrated treaty of 1856. Considering that the party applied to had not then, and has not at any moment since, ever been able to boast of sailing a single vessel of its own construction, equipment, and manning, this might very naturally have been construed by it as equivalent to offering to create for it a status in the ports of the proposing party, applying in advance of any idea of profiting by such a privilege. I do not intend to affirm that her Majesty's government, in taking this extraordinary step, had any design to hold forth an invitation. On the contrary, I disclaim any such idea. But it must be obvious to your lordship that some responsibility is often incurred for the injurious consequences naturally flowing from human action, even though there may not be the presence of evil intention. From the evidence already before the public, it does not admit of a doubt that these proceedings taken together did have the effect of encouraging the insurgents to a degree which led to the prosecution of their subsequent audacious policy.

The insurgents ultimately became a belligerent on the ocean solely by reason of the facilities furnished them in her Majesty's ports. The fact appears to me to be indisputable. For down to the close of the war, with the exception mentioned in my former note, of two passenger steamers stolen from the citizens of New York, not a single effective vessel of theirs has been seen on the ocean, excepting the six or seven which have been wholly supplied in and from this kingdom. Of the preparation of these steamers for the purpose indicated, I have endeavored from time to time to furnish your lordship with such evidence as I had it in my power to obtain. For a considerable time I found myself unable to stem the combined effect of the secret sympathy of her Majesty's officers in the port of Liverpool, and of your lordship's very natural incredulity based on their reports, in procuring more than formal attention to my representations.

Thus it was that the gunboat Oreto got away, and soon after became the armed privateer the Florida.

All the statements I had the honor to submit proved true to the letter, but, nevertheless, the facility with which the evasion had been accomplished furnished the strongest encouragement to the subsequent great extension of the field of operations.

It was at that moment that a deliberate policy was adopted by the insurgents, under which a base was made in this kingdom for all the extensive warlike operations since conducted by them. The officers were then established, and all the ramifications of a bureau regularly organized.

The next example was that of gunboat No. 290, afterwards well known as the cruiser the Alabama. I refer to this case once more only because it has been particularly referred to by your lordship. I do so for the pur-

pose of expressing my dissent from the statement made in your note in regard to certain important particulars.

Your lordship is pleased to state that the papers affording evidence of a design to equip this ship for the confederate service were furnished to you on the 22d and on the 24th of July. This is certainly true. But your lordship will be kind enough to remember that my first note giving information as to the character of that vessel was dated on the 23d of June, that is, one month preceding. On the 4th of July the commissioners of her Majesty's customs, to whom that representation was referred, made a report admitting the fact that the vessel was certainly built for a ship of war, but affirming that the evidence presented of her being intended for the so-called confederate government was not sufficient to justify a detention. The concluding sentence in their letter was in these words; I pray permission to ask your lordship's particular attention to them:

"We beg to add that the officers at Liverpool *will keep a strict watch upon the vessel*, and that any further information that may be obtained concerning her will be forthwith reported."

Here was a distinct pledge on the part of two of her Majesty's officers that "they would keep a strict watch on this vessel," which pledge was sent to me with your lordship's note of the 4th of July, requesting me to obtain such further evidence as might tend to show the destination of the vessel. Considering this as a distinct engagement, sanctioned by her Majesty's government, to keep faithful watch over that vessel so long as it might be necessary to obtain more evidence as to her character, the precise date of the receipt of that evidence becomes a question of secondary importance. The true question appears to be, how that pledge was actually redeemed. This will appear clear enough in the sequel. On the 9th of July the consul made a statement to the collector of facts as they had become known to him.

He entered into a number of details in respect to the persons engaged in connection with this vessel, naming individuals with a particularity certainly deserving of some investigation by her Majesty's officers at Liverpool if they really meant to satisfy themselves that she ought to be detained. But it does not appear that they considered it their duty to initiate, or even to carry on, any inquiry.

The board of customs contented themselves with a formal reply on the 15th instant, denying that there was sufficient *prima facie* evidence to justify a seizure of the vessels.

On the other hand, my lord, I must take the liberty to remark, after a calm re-examination of the substance of that letter, that if there was not *prima facie* evidence enough in it to justify the seizure, there was matter enough in it to make it the bounden duty of her Majesty's officers to lose no time and omit no effort to obtain the evidence on their own account to verify or to disprove the allegations.

They do not so appear to have read their duty. The consequence was that more time was necessary for me to procure the information which, as officers of the Crown, they admit in their own letter they ought to have procured themselves. I did obtain evidence, though the process naturally consumed time. That evidence was submitted on the 21st of July by the consul at Liverpool to the collector of that port, and by him referred to the board of customs. The deliberate answer of that body was made on the 23d of July, and it was to the effect that it was *not* sufficient to justify any steps being taken against the vessel under the law.

Thus far it appears that although her Majesty's officers had pledged

the government to "keep faithful watch over the vessel and report any further information they might obtain," no one of them seems to have been disposed to pay the smallest attention to any representations or any evidence offered by myself or any agent of the United States, even so far as to stimulate his own action in any way whatever. A change now took place, to the nature of which I beg most particularly to call your lordship's attention.

On the next day after the decision of the customs board I had the honor of sending to your lordship copies of six of the very same depositions which had been already sent to them. Whether these would by themselves have met with a better fate, I cannot venture to pronounce. But on the 24th I transmitted two additional ones, to which was appended a professional opinion by a British subject, distinguished as a Queen's counsel, which had been given to me after a careful examination of all these papers. It was to the following effect:

1. "That if the collector of Liverpool did not detain the vessel he would incur a heavy responsibility, of which the board of customs must take their share.

2. "That if the vessel was allowed to escape, it deserved consideration whether the federal government would not have serious ground of remonstrance."

These were ominous words. They laid the responsibility distinctly upon the very parties who had given the original pledge of vigilance and attention. And yet during the very interval in which her Majesty's government was deliberating upon their purport, the vessel was permitted to escape. Neither did this event occur without most explicit warning of the danger having been given by a person acting on behalf of the United States. As early as the 23d of July, six days before that escape, Mr. Squarey, the solicitor employed in the case, addressed a note to the secretary of the customs board warning them most distinctly of the fact that the vessel was ready for sea, had fifty men on board, and could sail any time. On the 26th he wrote another letter, repeating the warning once more. Yet in spite of the promise to keep a strict watch, and in spite of these repeated warnings, the vessel was permitted to steam out of Liverpool just as if no cause of suspicion of her destination had ever been excited. And, as if to crown the extraordinary character of the transaction, after receiving from Mr. Squarey notice on the 29th that the vessel was actually gone, it was not until the 31st that telegrams were issued to Liverpool ordering her detention. I must respectfully represent to your lordship that this proceeding, so far from appearing to do any justice to the demand of the United States, looks almost as if it were intended for a positive insult.

It is true that on the same day telegrams ordering a detention were sent to Cork; likewise, on the 1st of August, to Beaumaris and Holyhead. And on the 2d of August a letter was sent to the collector at Cork to the same effect. For all practical purposes, they might have been sent just as well at this moment that I am addressing these lines to your lordship. It further appears that instructions were sent to the governor of the Bahamas, in case the vessel should visit Nassau. The vessel did not visit that place. But the next time she visited a port within her Majesty's dominions was after she had entered upon her career of depredation; and then, instead of being detained, she was politely received and acknowledged as the vessel of a *bona fide* belligerent.

It now appears that from the day when, by the flagrant negligence of her Majesty's board of customs, this vessel, admitted to be intended for war purposes, was suffered to depart from the port of Liverpool, down

to the hour of her destruction by the United States steamer Kearsarge off the coast of France, she came again and again into ports within her Majesty's jurisdiction, and instead of being treated as her Majesty's government directed if she should go to Nassau, she was everywhere hailed with joy and treated with hospitality as a legitimate cruiser.

On behalf of my government I respectfully protest against the whole of this proceeding as contrary to recognized principles of international law. What the obligation of her Majesty's government really was in this instance is so clearly laid down by a distinguished writer, notoriously disposed never to exaggerate the duties nor to undervalue the privileges of neutrals, that I will ask the liberty to lay before you his very words:

"Le fait de construire un bâtiment de guerre pour le compte d'un belligérant, ou de l'armer dans les états neutres, est une violation du territoire. Toutes les prises faites par un bâtiment de cette nature sont illégitimes, en quelque lieu qu'elles aient été faites. Le souverain offensé a le droit de s'en emparer, même de force, si elles sont amenées dans ses ports, et d'en réclamer la restitution lorsqu'elles sont, comme cela arrive en général, conduites dans les ports hors de sa jurisdiction. Il peut également réclamer le désarmement du bâtiment illégalement armé sur son territoire, et même le détenir, s'il entre dans quelque lieu soumis à sa souveraineté jusqu' à ce qu'il ait été désarmé."*

It is, then, with undoubting confidence in the justice of the reasoning here presented that I take the liberty to reaffirm the validity of the claims of my government for all the damage done by this vessel during her career, and ask reparation therefor.

With respect to the extract from the letter of Mr. Seward to me of August 13, 1863, actually written in 1862, (by a clerical error in your lordship's note that for a time misled me,) which you are pleased to quote as a proof that he was perfectly satisfied with the proceedings, I can only remark that the very date itself sufficiently proves that his language never could have been intended to apply to the extent to which your lordship appears to suppose; for at that moment he had been but very partially put in possession of all the facts connected with the case. His remark obviously pointed only to the disposition of your lordship, which has never been brought into question. What he has thought of the whole case since, and what instructions have been given to me in consequence, are matters too well known to your lordship to render further explanation necessary.

Passing from this point to the more general question between the two countries, I proceed to the task of considering an argument of your lordship of a widely different description. This is one drawn entirely from the authority supplied by the previous practice of the government which I have the honor to represent. You cite this as an example to sustain the position taken by her Majesty's government against the present claim. It is urged in at least two instances cited, where similar claims were presented by the representatives of foreign powers to the United States, they were replied to with precisely the same reasoning now repeated by her Majesty's government. These are the cases of

* "The fact of building a war vessel for a belligerent, or of arming it in neutral states, is a violation of the territory. All captures made by a vessel of this kind, in whatever place they may be made, are illegal. The offended sovereign has the right to seize them even by force, if they are brought into his ports, and to claim the restoration of them if carried into ports beyond his jurisdiction, as is generally the case. He may also exact the disarming of the vessel illegally armed within his territory, and even retain it till disarmed, if it enters any place subject to its power."—*Translation.*

Spain and Portugal, the commerce of which countries had suffered from depredations on the ocean, committed by vessels built, armed, manned, and equipped by citizens of the United States and dispatched from their ports.

The first remark that I would pray permission to submit in connection with this view of the subject is this: That even if it were true that the government of the United States had, half a century since, refused to recognize the just claims of other powers for damage done by reason of their omission to prevent the abuse of their neutral ports to the commerce of those powers, it could in no degree change the nature of any subsequent omission or neglect committed by other powers at this day. It is a principle of morals too thoroughly known to your lordship to require my dwelling upon it for a moment, that the wrongdoing of one party cannot be cited in justification of a repetition of the act by another.

Surely if the United States government had ventured upon declaring what was once known as a paper blockade of the whole southern coast, her Majesty's government would not have been content to be told that such was the acknowledged practice of Great Britain many years ago. Neither would it have been better satisfied if the United States had resorted to the press-gangs in the outset of the war to fill their ships with British subjects, forced against their will to fight their own countrymen in the Alabamas and Floridas, and Shenandoahs, and Tallahassees, depredating on the ocean, to be told, in answer to their remonstrances, that just such was the treatment Americans experienced at the hands of Great Britain prior to the war of 1812.

But, conclusive as this reasoning may be held to be to annul at once all the authority that springs from mere precedent as its source, I am by no means disposed to resort to it in the cases cited by your lordship. They are very familiar to me, and to my view are in themselves so far from furnishing strength to the positions which have been taken by your lordship, that they bear directly the contrary way. The parallel attempted to be drawn is, in other words, wholly defective and inapplicable.

In regard to the injuries inflicted by citizens of the United States upon the commerce of Spain, the extract which your lordship is pleased to quote from the official note of the representative of the latter country, Don Luis de Onis, certainly does show that such were actually committed. I am not aware that the government of the United States ever denied the fact. The expedition fitted out by General Miranda against a certain portion of the coast of South America, then under Spanish rule, was unquestionably a violation of the neutrality of the country, which ought to have been prevented. All these cases constituted claims which the Spanish government held against the United States, very much in the same way that the claims for damage done by the Alabama, &c., issued from British ports, are now held by the United States. On the other hand, however, it should be observed that out of the wars of Europe there had grown up a much larger amount of claims on behalf of the people of the United States for injuries done to their commerce by illegal seizure and condemnation of their vessels in the ports of Spain. In progress of time the necessity became urgent on both sides to enter into a deliberate examination of these respective claims, and, if possible, to arrive at fair terms of settlement. A plan of treaty was proposed embracing all that was regarded as fairly to be brought forward on the two sides. It was during this process that Don Luis de Onis, the very same person whom your lordship has been pleased to cite as making the complaint, himself, on the 24th of October, 1818, pre-

sented a projet of six articles, intended to include every one of those objects.

There can be no doubt that this proposal was intended to cover the very claim which was presented in the previous note of January, 1817, an extract from which your lordship has done me the honor to quote. If your lordship should have any inclination to draw it into question, I shall only have to refer you to a second projet presented by the same individuals on the 16th of November, 1818, in which occur these words:

"My fourth proposal to your government has for its object the renunciation by both governments and nations of *all* claims for spoliations respectively suffered by either of the two powers or their subjects until the signing of the treaty."

And as a voucher for what was meant, there is attached to this paper document containing three separate lists—one, of the names of the Spanish vessels taken; another, of the privateers, fitted out in the American ports, by which they were taken; and a third, of the property taken in those vessels. In other words, these constitute the very claims for injuries complained of in the note of Mr. Onis, to which your lordship has been pleased to refer. To this proposition, so presented by Mr. Onis, the government of the United States raised no objection. It was, therefore, so far as it went, admitted as an item *pro tanto* on the side of Spain in the settlement of the opposite questions between the two nations. As such, it was incorporated into the projet of a treaty drawn up by Don Luis de Onis for the consideration of the United States government, and delivered on the 9th of February, 1819. In this paper it makes a portion of the tenth article.

The renunciation of his Majesty was made to extend to all injuries caused by the expedition of Miranda, fitted out and equipped at New York, and "to *all* claims of subjects of his Catholic Majesty upon the government of the United States in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of his Majesty or to his minister in the United States."

It is not to be supposed for a moment that in making this voluntary offer the Spanish government did not expect to gain for it a just equivalent in settling the other and less favorable terms of the treaty.

This offer, so made, was accepted by Mr. Adams for the United States and incorporated in his counter projet, offered to Don Luis de Onis on the 13th of February, 1819. It therefore now stands *totidem verbis* as a part of the treaty signed by the representatives of the two countries on the 22d of February of that year. All the papers from which these extracts are taken have been long before the world. I trust I may therefore be pardoned if I express no small astonishment that your lordship should have fallen into the error of affirming, in the note which I have had the honor to receive, that "it does not appear that any compensation was ever made for any of the seizures."

I now ask leave to proceed to the consideration of the other case referred to in your lordship's note, the claim of Portugal upon the United States for similar injuries to those complained of on behalf of Spain. I am the more disposed to approach the subject, that, unlike the other case, it is new in the correspondence which it has been my duty to hold with your lordship, and that it gives me an opportunity to correct some misapprehensions which appear to exist as to its true character and bearings on the present discussion.

The extracts from various public papers of the government of the United States with which your lordship has favored me sufficiently establish the fact as stated, to wit: "That the revolutionary movement in South America excited the sympathy of the people of the United States."

Your lordship is pleased here to apply the parallel so far as to admit that in this kingdom there was similar sympathy with "the people of the southern States" in what you describe as "their endeavors to give these States an independent position in the world." This was an unfortunate illusion as to the true objects of that struggle, of which I have been aware, but which I have never ceased to regret.

Yet I would respectfully call the attention of your lordship to the circumstance, in connection with this supposed parallel, that notwithstanding the sympathy of the people of the United States with South America, and notwithstanding that the insurgents did possess both open ports and abundant facilities for cruising on the ocean, the government of the United States did not herald their movement by a prompt declaration recognizing these peoplē as a belligerent power as against Spain.

So far was this from being true, that no sooner was it known that movements were set on foot to make a few of the ports of the United States a base for the operations of the insurgents, aided by citizens of the country, than orders were given to the proper officers of the government to apply the whole power of the existing laws to prevent it. In proof of this assertion I pray permission to submit the reports of the prosecuting attorneys for the two districts in which the offenses were most committed. Copies of these papers will be found appended to this note. They will show that seven different individuals, citizens of Spanish America, engaged in these operations against the neutrality of the country, were subjected to trial for their offenses in the courts. I would here beg leave to interpose the remark that, so far as I know, in spite of all the evidence which I have presented to your lordship as to the complicity of leading insurgents of the United States, residing in this kingdom, in the violations of neutrality here committed, not a single prosecution has ever been attempted by her Majesty's government. They will also show that the only limit to the effort of the government to punish the parties concerned was the inefficiency of the provisions of the existing laws passed in 1794. It was this difficulty which soon forced itself upon the attention of the President.

It is here that I beg leave to take up the case of Portugal, and to ask attention to those particular points in which the action of the United States in this case differs most materially from that of her Majesty's government, with which it has been attempted to make a parallel.

On the 20th of December, M. J. Correa de Serra, the diplomatic representative of Portugal at Washington, addressed a note to Mr. Monroe, then the Secretary of State, presenting the particulars of a strong case of violation of the law, which had just happened in Baltimore. He proceeded frankly to acquit the government of any want of disposition to punish the offense and to mention the obstacle which he designated to be the imperfection of the statute law. I pray your lordship's permission to cite the passage, which explains the nature of the request he made in consequence:

"I apply, therefore, to this government in the present instance not to raise altercations, or to require satisfaction, which the Constitution of the United States has not, perhaps, enabled them to give; because I know that the supreme Executive of this nation, all-powerful when supported by law, is constitutionally inactive when unsupported by it. What I solicit of him is the proposition to Congress of such provisions by law

as will prevent such attempts for the future. I am persuaded that my magnanimous sovereign will receive a more dignified satisfaction, and worthier of his high character, by the enactment of such laws by the United States, which, insuring the respect due to his flag for the future, would show their regard for his Majesty, than in the punishment of a few obscure offenders (even if attainable) who, disowned as they are by the United States, may, no doubt, if they take any unwarrantable liberty with the property of his Majesty's subjects, meet the fate every honest mind wishes to them, and serve as examples and warnings to those who, in future, may feel piratical dispositions. I rely on the President's wisdom—and the wish I am sure he must feel of putting an end to these shameful practices—that he will take the proper measures to have my requisitions fulfilled."

This was on the 20th of December. Only six days elapsed after the reception of this application when Mr. Madison, then the President, addressed a message to both houses of Congress in the following words:

"It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace toward belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States. With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped or in course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armament usual on distant and dangerous expeditions, and of a private commerce in military stores, permitted by our laws, and which the law of nations does not require the United States to prohibit."

The precise points which he desired to have incorporated into a statute are specified in a note from the Secretary of State to Mr. Forsyth, chairman of Committee on Foreign Relations. They are these:

"Having communicated to you, verbally, the information asked for by your letter of the 1st instant, except so far as it relates to the last inquiry it contains, I have now the honor to state that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be:

"1. That they should be laid under bond not to violate the treaties of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels subsequent to their departure.

"2. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law—the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested." (See particularly the 11th section of the act of Congress of April 25, 1808.)

"The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive when there is reason to suspect an

intention to commit the offense. They rest upon the general footing of punishing the offense merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after the trial, to the penalty denounced."

Experience, both in America and in this kingdom, has united to prove that the measure of restraint here pointed out is almost the only effective one which can be resorted to in such cases. Had it been found possible to use it here, I am confident that a great portion of the difficulties experienced by her Majesty's government during the late war would have been avoided. On the 3d of March, 1817, a temporary law was passed to meet the emergency, which was received by the Portuguese minister with the greatest satisfaction.

On the 8th of March, 1818, the Portuguese envoy addressed a representation to the Secretary of State in regard to the capture of three vessels by one of these illegal cruisers. But it should be particularly noted that these cases appear all to have grown out of depredations committed by a single vessel which had escaped from the United States previous to the date of the enactment of the new statute. The captures themselves took place on the ocean at about the time of its passage.

With the aid of this explanation your lordship will be better able to appreciate the force of the language of Mr. Adams, then the Secretary of State, in his reply to the Portuguese minister, which you have done me the honor to quote in your note. The government had not only literally done all in its power under existing laws to prevent these violations of neutrality, but had, at the request of the envoy himself, procured the adoption by Congress of a new and more stringent statute. Surely under such circumstances nothing more could reasonably be expected of it.

This seems to have been the opinion of the Portuguese minister himself. So well satisfied was he with the practical operation of this law in checking these enterprises, that, at the moment when it was about to expire by its own limitation of two years, (on the 4th of February, 1819,) he once more came forth to express his anxiety about losing it, and addressed an urgent representation to the United States government to secure an extension of the time. The reply was to the effect that it had not only been incorporated into a new and improved form, but was made permanent. This will appear from the following note from Mr. Adams:

"SIR: In answer to your letter of the 4th instant, I have the honor of informing you that the act of Congress of 3d March, 1817, to which it refers, was repealed by the act of the 20th of April last, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, being the eighth chapter of the laws of the last session.' On referring to this last-mentioned statute, which is not of limited duration, you will find that the provisions of the temporary act of 3d March. 1817, are re-enacted by it."

From all which proceedings it distinctly appears that although there were some violations of neutrality committed in defiance of every precaution both before and afterwards, yet the position of the United States in regard to every complaint was an impregnable one. It has done everything in its power, not only to execute existing laws, but to provide more stringent and satisfactory enactments to remedy the defects of the old ones. Had her Majesty's government in its wisdom decided to do as much as this in the late war, I am not sure that I should have

been able to resist the argument drawn from the example your lordship has cited in its defense. But I regret to be obliged to remind you that, so far was this from being the case, it took diametrically the opposite course. At an early period my government, not unaware of the obstacles that were presenting themselves to the effective application of the existing statutes of Great Britain to the offenses notoriously committed within this kingdom, directed me to call your lordship's attention to the expediency of procuring for the government more stringent provisions. I did then venture respectfully to propose to you that some steps should be taken to obtain at least such modifications of the existing enlistment act as might tend to make it a better preventive measure. Your lordship was pleased, in the first instance, to respond favorably, at least so far as to make the adoption of such amendments conditional upon corresponding and simultaneous action on the part of the United States. But no sooner had I succeeded in obtaining from my government its assent to a consideration of the arrangement and communicated the result to you, than, your lordship will be so good as to recollect, that I received for answer that her Majesty's government had in the interval reconsidered its decision, and had finally determined to rely upon the existing statutes as quite effective to answer the desired purpose.

From this survey of the two cases it must, then, be obvious that the parallel which your lordship has attempted is by no means to be regarded as complete, inasmuch as in the one instance everything that was required as security by a foreign power was actually done to please it, whilst in the other everything required was as positively declined. Hence the responsibility for the evil consequences, which was lifted by its own action from the one party, seems to have been entailed with renewed force, by its refusal to act, upon the other.

Your lordship is pleased to observe that you can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained; to which I would ask permission to reply that no such rule was ever desired. The true standard for the measurement would seem to be framed on the basis of the clear obligations themselves, and the losses that spring from the imperfect performance of them. With regard to the observations of your lordship respecting the seizure, by her Majesty's government, of the two steam war vessels constructed by Mr. Laird, at Liverpool, I have at all times endeavored to bear my feeble testimony to the earnest desire then manifested to put a stop to that most outrageous of all the attempts that have been made to violate the neutrality of this kingdom. At the same time, however, since your lordship has been pleased to open that subject, it is no more than my duty to observe that the proceeding does not appear to have terminated as, in accordance with her Majesty's dignity, I am compelled to think it should have done, in fully upholding the authority of the sovereign power, but rather in a necessity to resort to an indirect mode of escaping the hazard of recourse to the ordinary process of the courts for the protection due to a foreign nation. So far as the claims of the government of the United States are concerned, it matters little by what means the end may have been reached. At the same time it is impossible for it not to have been made painfully conscious in the process that the security of the peace of the two nations, from one of the most flagrant violations of international obligations ever attempted, should have been left to hang upon a mode of proceeding wholly foreign from the recognized and established law of the land.

The fact of the extraordinary decline of the mercantile navigation of

the United States simultaneously with a corresponding increase of that of Great Britain, as shown in the tables appended to my former note, does not appear to be disputed by your lordship. Nor yet the other fact that it sprung from the transfer of vessels from the one side to the other by reason of the ravages committed by armed steamers fitted out from the ports of Great Britain. It is true your lordship is pleased to avoid the natural inference which I have been compelled to draw from this state of things by explaining the process in another way. You are pleased to affirm it is a fact that "it has been common to transfer American merchant ships without a change of cargo or crew nominally to British owners, in order to avoid the higher rates of insurance payable during the war." But in reply to this I would remark, in the first place, that even if this statement be correct to a far greater extent than I should at present be disposed to admit, it is nothing less than a direct fraud on one of the belligerents, which if it had had native vigor, instead of being an unthrifty offshoot from a purely British stock, would have furnished to it just ground for general retribution upon British commerce by subjecting it to the most annoying suspicion and severe examination. And in the next, that the very fact of the admitted rise in the rates of insurance on American ships only brings us once more back to look at the original cause of all the trouble, to wit: the fact of the issue of all the depredating vessels from British ports with British seamen, and with, in all respects but the presence of a few men acting as officers, a purely British character.

Thus it is that whatever may be the line of argument I pursue, I am compelled ever to return to the one conclusion. The nation that recognized a power as a belligerent before it had built a vessel, and became itself the sole source of all the belligerent character it has ever possessed on the ocean, must be regarded as responsible for all the damage that has ensued from that cause to the commerce of a power with which it was under the most sacred of obligations to preserve amity and peace.

There remain a few minor points in your lordship's note which might have elicited further comments on my part, but for the consideration that the positions taken in regard to them by my government have been already on a former occasion sufficiently set forth. I am therefore reluctant, by further extending this note, to run the risk of trespassing unnecessarily on your lordship's patience. I trust that, in performing the task to which my sense of duty calls me, I shall not be found to have in any degree transgressed the limits of amicable discussion to which it is the earnest desire of my government that I should ever adhere, and which it is always my own disposition to observe.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Dick, Attorney of the United States for the District of Louisiana, to the Secretary of State.

[Extract.]

MARCH 1, 1816.

Attempts to violate the laws by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent, but certainly,

in no instance successful, except where conducted under circumstances of concealment that eluded discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers, and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality in aid of the governments of New Spain, and in which vessels have been seized and libelled, uner the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than anything else can, how totally without foundation are the complaints, and how misplaced are the assertions, of the minister of Spain on this head.

The following are the names of individuals prosecuted in the district court of the United States for the Louisiana district during the year 1815 for violating, or attempting to violate, the neutrality of the United States, in aid of the government of the united provinces of New Granada and of the united provinces of New Mexico:

José Alvarez Toledo,
Julius Cæsar Amigone,
Vincent Gambie,
John Robinson,
Romain Very,
Pierre Lameson,
Bernard Bourden.

The following is a list of vessels libelled for illegal outfits of the same governments during the same period:

Brig Flora Americana, restored.
Schooner Presidente, condemned.
Schooner Petit Melan, condemned.
Schooner General Bolivar, discontinued.
Schooner Engenen, *alias* Indiana, condemned.
Schooner Two Brothers, restored.

The following is an enumeration of vessels and property brought within the Louisiana district, captured under the flags and by authority of the governments of New Granada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented, within the waters of the United States:

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored May 16, 1815, $3,050.
3. Schooner Experimento, restored August 3.
5. The polacca brig De Regla and cargo, proceeds restored December 18, 1815, $19,209 50.
6. Schooner Alerto and cargo, being the proceeds of the capture of about eighteen small vessels, restored December 18, 1815, $62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, $55,272 99.

7. Cargo of the schooner Petit Melan, restored February 1, 1816, $2,444 31.

8. Cargo of the schooner Presidente, February 1, 1816, $10,931 15.
9. Schooner Santa Ritor and cargo, restored February 1, 1816, $37,962 94.

The preceding account of Spanish property restored to the original proprietors after being in the possession of the enemies of Spain is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined.

The very hasty manner in which I have made this communication did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction, nor had the captures been made within a marine league of our shore. The principles that guided the decision of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to and an exercise of the most rigid neutrality between the parties.

BALTIMORE, *September* 7, 1816.

SIR: Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of that port an affidavit, stating that Thomas Taylor had in April last sworn that he was a citizen of the United States, and, as such, had cleared out the schooner Romp, which vessel the collector also declared, on oath, he believed to have cruised against the vessels of the King of Spain since that time. Upon which affidavit an intelligent justice of the peace of this city, well disposed upon the score of political feeling to do as much as justice required towards the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice (whose name is John Dougherty) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor who had served on board the Romp, and who was at that time in hospital at this place, to be summoned, as also the editor of the "American" newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816;" all of whom were examined on oath before the justice. The sailor was cautioned not to ——— any probable cause to believe he was concerned with, or advised Squire Fisk to commit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the Romp from the time she left Baltimore. Thus ended this case, as far as I have gone.

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ELIAS GLENN.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 22, 1865.

SIR: I have the honor to acknowledge the receipt of the letter which you addressed to me on the 20th instant, in reply to mine of the 4th,

and to state to you that the observations therein contained will be duly considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1042.] LEGATION OF THE UNITED STATES,
London, September 7, 1865.

SIR: In connection with my dispatch No. 964, of the 25th of May last, I have now the honor to transmit a copy of a note received from Lord Russell, dated the 30th of August, in reply to mine addressed to him so long ago as the 20th of May. I am now drawing up a form of reply, which seems to be called for by the repetition of singular misconceptions in the historical narrative that require prompt rectification; but I shall not be able to get it ready in season for this steamer. As his lordship's note seems to be intended to convey a distinct proposition for the consideration of the President, I send it forward at once.

I am very glad to perceive the conciliatory and friendly tone of his lordship. It was not quite so visible in the early days of my correspondence with him, when his prejudices were fresh. I have never considered him as actuated by unfriendly feelings, but for a considerable period he certainly acted as if he feared to be suspected of good will. It is pleasant to find the pressure has been taken off.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 30, 1865.

SIR: Having purposely delayed an answer to your letter of the 20th of May, I now resume our correspondence at a time when the civil war has entirely ceased—when the whole territory of the United States is subject to the government of the Union, and the United States have not an enemy in the world. I resume it, therefore, at a time such as was foreseen in your letter of the 23d of October, 1863, "favorable for a calm and candid examination, by either party, of the facts or principles involved in cases like the one in question."*

I resume it also at a time when Mr. Seward has recovered from the injuries he received from an accident and wounds inflicted by an assassin, and is therefore able to apply his remarkable powers of mind to the questions at issue. I take this opportunity of saying that no one rejoices more than myself at this happy recovery from injuries so serious.

In continuing, in this state of affairs, our correspondence, I must again express my satisfaction at finding that you do justice to the impartial intentions of her Majesty's government. I must here repeat that you

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* See page 180.

have never permitted yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States, and you attribute the avoidance of the gravest of complications to the full conviction that her Majesty's government has never been animated by any aggressive disposition toward the United States, but that, on the contrary, it has steadily endeavored to discountenance, and in a measure to check, the injurious operations of many of her Majesty's subjects.*

This decisive testimony from a person of your high character, who has now for four years held the confidential position of minister of the United States accredited to her Majesty, and has hereby been enabled to judge of the intentions of her Majesty's government throughout this long and destructive contest, is most gratifying to her Majesty's government. It is most satisfactory to know that you share in none of those suspicions and indorse none of those charges of an unfriendly and unfair disposition on the part of her Majesty's government with which public writers and speakers have endeavored to poison the public mind in the United States, and to produce ill-will and hatred between the two nations.

The question, then, as I understand it, is now reduced to these terms: Whether her Majesty's government have judged rightly the state of a friendly nation disturbed by a formidable insurrection, and whether they have correctly applied the law of nations in respect to their duty toward that friendly nation.

In recapitulating your statements on the subject, you say, "that the injuries thus received by a country which has meanwhile sedulously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification."

Differing, as her Majesty's government do, from your statement of the facts upon which the judgment of the two governments is to be ultimately formed, I lay down with confidence the following proposition:

1. That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operation, so well and so long prepared, so soon and so completely furnished with the machinery of civil government; a national representation, generals and officers of high military reputation, armies fully equipped, and fortifications recently in the possession of the established government.

2. That intelligence reached her Majesty's government in the spring of 1861 that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upwards of three thousand miles of sea-coast; that they comprised more than five millions of people, exclusive of the negro slaves; that the president of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal; that the President of the United States, on the other hand, had proclaimed his intention to establish a blockade of all the ports of the southern States, and that in these circumstances the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance.

3. That in view of these extraordinary events, unexpected and undesired, her Majesty decided to proclaim her neutrality in this contest; to

* Mr. Adams to Earl Russell, April 7, 1865.

allow the belligerent blockade of more than three thousand miles of coast, including, of course, the right of search, detention, and capture on the part of the United States, and, on the other hand, as in duty bound, to recognize in the so-called Confederate States the right of a belligerent power.

4. That her Majesty's government put in force with fairness and impartiality the neutrality they had proclaimed.

5. That the foreign enlistment act, which is intended in aid of the duties and rights of a neutral nation, can only be applied when a ship is armed or fitted out, or begun to be armed or fitted out; and even in that case only when proof can be obtained that the ship so armed or equipped, or begun to be armed or equipped, is intended for the service of a power at war with a friend or ally of her Majesty.

6. That in the instance of the Oreto, the case justifying the detention of the vessel was not complete; and in the case of the Alabama, the proof was declared to be complete only on the very morning when the owners of the Alabama, having by some means obtained information of what was intended, got away on a false pretense.

7. That the Oreto was begun to be built here, was afterwards detained and tried at Nassau, was acquitted, and was afterwards completed at Wilmington, (Mobile?) a port of the confederates.

8. That the iron-clad rams were detained, and afterwards seized at Birkenhead; that the so-called Canton, or Pampero, was prosecuted and convicted in Scotland; that the Victor, afterwards the Rappahannock, was forced to take refuge at Calais in order to avoid seizure, and till the close of the war never appeared on the seas.

9. That it is not enough to say that the foreign enlistment act might have been amended and made more efficient unless it be shown that the amendments suggested would have been clearly efficient, and would have been consistent with the laws of a free country.

10. That nothing but the most extensive employment of spies and informers, and the most arbitrary powers of detention and seizure on the most vague and slight suspicions, could have prevented a British or American merchant, in combination with a confederate enemy of the United States, from sending an unarmed ship to distant neutral waters, from sending arms to the same waters, and from combining the ship and the arms in a hostile cruiser against the commerce of the United States.

11. That the Shenandoah was dispatched and armed in this manner.

12. That there was no reason or ground whatever to accuse her Majesty's government of failure in the performance of their international obligations during the four years of civil war, and consequently no valid claim can be made for reparation and indemnification.

With respect to your allegation that the concession of belligerent rights to the confederates was "precipitate and unprecedented," I answer both epithets by saying, first, that our declaration followed and did not precede your own declaration of the intended blockade of six or seven considerable ports, and a declaration of an intention on the part of the confederates to issue letters of marque; and, secondly, that a sudden insurrection of such magnitude being unprecedented, our recognition of its existence was necessarily likewise unprecedented.

But let me refer for a short time both to the law laid down by your own courts on this subject and the state of facts as shown by official documents.

The judgment of the Supreme Court of the United States, given in

1862, (Black's Reports, Supreme Court, vol. II, pp. 666–670,) lays down with equal sense and learning the following propositions:

"The right of prize and capture has its origin in the *jus belli*, and is governed and adjudged under the law of nations. *To legitimate the capture of a neutral vessel or property on the high seas, a war must exist de facto*, and the neutral must have a knowledge or notice of the intention of one of the parties belligerent to use this mode of coercion against a port, city, or territory, in the possession of the other.

"The parties belligerent in a public war are independent nations; but it is not necessary to constitute war that both parties should be acknowledged as independent nations or sovereign States. *A war may exist when one of the belligerents claims sovereign rights as against the other. A civil war is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who originate it and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory—have declared their independence—have cast off the allegiance—have organized armies—have commenced hostilities against their former sovereign—the world acknowledges them as belligerents and the contest as a war.*

"'A civil war,' says Vattel, 'breaks the bonds of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge.

"'Those two parties, therefore, must necessarily be considered as constituting, at least for a time, two separate bodies—two distinct societies—having no common superior to judge between them; they stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms.'

"As a civil war is never publicly proclaimed *eo nomine* against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated; when the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, *civil war exists*, and hostilities may be prosecuted on the same footing as if those opposing the government were foreign enemies invading the land.

"By the Constitution Congress alone has the power to declare a national or foreign war. It cannot declare war against a State or any number of States, by virtue of any clause in the Constitution.

"The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare war either against a foreign nation or a domestic State. But, by the acts of Congress of the 28th of February, 1795, and 3d of March, 1807, he is authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States.

"If a war be made by invasion of a foreign nation, the President is not only authorized, but bound, to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority; and whether the hostile party be a foreign invador or States organized in rebellion, it is none the less a

war, although the declaration of it be unilateral. Lord Stowell (1 Dodson, 247) observes: 'It is not the less a war on that account, for war may exist without a declaration on either side.' It is so laid down by the best writers on the law of nations.

"A declaration of war by one country only is not a mere challenge to be accepted or refused at pleasure by the other.

"This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local organized insurrections. However long may have been its previous conception, it nevertheless sprang forth suddenly from the parent brain, a Minerva, in the full panoply of war.

"The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptise it with a name, and no name given to it by him or them could change the fact.

"It is not the less a civil war with belligerent parties in hostile array because it may be called an insurrection by one side, and the insurgents be considered as rebels or traitors. It is not necessary that the independence of the revolted province or states be acknowledged in order to constitute it a party belligerent in a war, according to the law of nations. Foreign nations acknowledge it as war by a declaration of neutrality. The condition of neutrality cannot exist unless there be two belligerent parties. In the cases of the 'Santissima Trinidad,' (7 Wheaton, 337,) this court says: 'The government of the United States has recognized the existence of a civil war between Spain and her colonies, and has avowed her determination to remain neutral between the parties. Each party is, therefore, deemed by us a belligerent nation, having, so far as concerns us, the sovereign right of war.'

"The law of nations is also called the law of nature. It is founded on the common consent, as well as the common sense, of the world. It contains no such anomalous doctrine as that which this court are now, for the first time, desired to pronounce, to wit, that insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not *enemies*, because they are *traitors;* and a war levied on the government by traitors, in order to dismember and destroy it, is not a *war*, because it is an insurrection!

"Whether the President, in fulfilling his duties as commander in-chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided *by him*, and this court must be governed by the decisions and acts of the political department of the government to which this power was intrusted. He must determine what degree of force the crisis demands. *The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed, which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case.*"

The course of her Majesty's government follows the course of events in America.

It appears by the Times of the 3d of May, 1861, that I stated in the House of Commons, on the preceding day, (May 2d,) "Her Majesty's government heard the other day that the Confederate States have issued letters of marque, and to-day we have heard that it is intended that there shall be a blockade of all the ports of the southern States."

On the 6th of May I stated, in the House of Commons, the intention of the government, formed after due deliberation, to recognize the southern States as belligerents.

On the 10th of May I received a dispatch from Lord Lyons making the following announcement:

"I have the honor to inclose copies of a proclamation of the President of the southern confederacy, inviting application of letters of marque, and also a proclamation of the President of the United States, declaring that southern privateers will be treated as pirates, *and announcing a blockade of the southern ports.*"

Thereupon, the intention of her Majesty's government, previously announced, was carried into effect, and the proclamation of the 13th of May, 1861, was issued.

It is very remarkable that an English schooner, the Tropic Queen, was captured for a breach of blockade, consisting in the act of lading her cargo on the 13th and 14th of May, 1861.

The offense in this case was committed on the very day that the Queen acknowledged the existence of civil war. The court, in giving judgment, referred to the notorious facts of the secession of the southern States, and proceeded thus:

"These facts, as set forth by the President, with the assertion of the rights of blockade, amount to a declaration that civil war exists. *Blockade itself is a belligerent right, and can only legally have place in state of war, &c.*"

What you contend for, I imagine, both as to the commencement of the war and as to its close, is, that the United States of America had a full claim to exercise all the rights of belligerents, but that Great Britain had no just claims to exercise any of the rights of neutrals.

This position, however, Great Britain never can admit.

Recognitions by the United States of belligerent rights belonging to insurgents have been frequent; Buenos Ayres, Colombia, Mexico, have been acknowledged by the United States as having belligerent rights against Spain; Brazil and Artegas as against Portugal; Texas against Mexico. But in no case have these insurgent forces sprung up at once, fully armed, to the amount of five millions of men.

With respect to the Oreto and the Alabama, I have only again to repeat that, up to the time when the Oreto left these shores, and up to the day when the Alabama escaped on a false pretense, the law officers of the Crown had not, by any legal opinion, enabled her Majesty's government to give any order for the detention of these vessels.

I entirely concur with you that there was no use in giving orders on the 31st of July for detaining a vessel which had made its escape on the 29th. But up to the 29th the law officers had not thought the evidence sufficient to justify detention; and I cannot, by any means, admit, what you seem to insinuate, that the law officers were deficient either in knowledge of the law or in willingness to apply it.

Her Majesty's government fully accept the responsibility of these opinions.

And it will be observed that the law officers, in addition to the reports of the custom-house officers, were in possession of all the information which it was in your power to furnish.

You allude to the case of the American Revolution, and the conduct of France in not recognizing the belligerent rights of the insurgents then in rebellion against the British Crown.

Let us extend our view somewhat wider. There have been in the period beginning in 1765, and ending in 1865, three cases of a somewhat similar kind. The first is that of the American Revolution; the second is that of the revolt of the South American republics; the third is

that of the civil war, which from 1861 to 1865 desolated the United States of North America.

In the first case the court of France sought only to injure Great Britain. In this spirit, in 1776, before the declaration of independence, the French government put itself in connection with Arthur Lee, through Baron de Beaumarchais, and with Benjamin Franklin, through Dubourg, offering to the United States the supplies they needed. When, however, the news of Burgoyne's surrender reached France, the French government took a more decided course. In February, 1778, they signed two treaties, one of commerce and one of alliance, with the United States of America. Nor were the motives of these acts on the part of Louis the Sixteenth by any means concealed. Monsieur Gerard was ordered to declare, on the King's part, to Arthur Lee and Silas Deane, the commissioners of the United States, "that his Majesty was fixed in the determination not only to acknowledge but to support our independence by every means in his power; that in doing this he might probably soon be engaged in a war, with all the expenses, risks, and damages usually attending it, yet he should not expect any compensation from us on that account, nor pretend that he acted wholly for our sakes, *since, besides his real good will, it was manifestly the interest of France that the power of England should be diminished by our separation from it.*"*

I am not arguing whether this conduct was justifiable. I am only showing that France, in the American war, took a part hostile to Great Britain in order to promote her own interests. In the same spirit, in order to promote the interests of France and injure those of Great Britain, the government of Louis XVI, two years after the date of the American declaration of independence, made an alliance, offensive and defensive, with the United States.

Such conduct, however it may be excused, or even admired, in Europe or in America, could not form a precedent for Great Britain in the late civil war. Her Majesty's government had no wish to favor the separation of the southern States with a view to injure the power or check the progress of the United States. It has been the wish of her Majesty's government, who had received no injury from either the northern or the southern States, and was living in amity with both, when hostilities, of the most violent character, commenced between them, to preserve an honest and impartial neutrality.

The next case to which we have looked has been in the insurrection of the South American republics against Spain, and of the empire of Brazil against Portugal. This insurrection began slowly and partially at Buenos Ayres on the 14th of May, 1810, by the formation of a junta and the deposition of the viceroy; the government, however, being carried on in the name of the King of Spain until January 1813, when a provisional government was established. On the 9th of July, 1816, the provinces of the Rio de la Plata issued a declaration of independence, and on the 20th of April, 1819, a constitution was published by the Congress.

In 1811 the insurrection commenced in Paraguay, the Spanish governor was deposed, and a government established under the direction of Doctor Francia. On the 12th of October, 1813, a constitution was proclaimed.

In 1811 civil war commenced in Chili, but the declaration of independence was not issued until the 12th of February, 1818, and the war continued until 1820.

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* See "Diplomacy of the Revolution." By William Henry Trescot, New York, 1852.

The revolution in Peru commenced in 1821, a declaration of independence being issued on the 15th of July, 1821, and the war continuing until 1824.

On the 15th of September, 1821, Guatemala declared her independence; which, however, was not finally established until the 1st of July, 1823.

The revolution in Colombia (including Venezuela, Equador, and New Granada) commenced April 19, 1810, at Caracas. On the 5th of July, 1811, the Congress declared Colombia an independent state, but the war with Spain continued until November, 1823.

In 1815 the President of the United States allowed belligerent rights to the South American states, and proclaimed a strict neutrality. This proclamation was recognized by the Supreme Court, and other tribunals of the United States, as the guide for their decisions.

It is here that her Majesty's government have looked for precedents. The United States had been, from 1793 to 1816, with the exception of two years, neutrals amid the great wars of Europe. Their wisest statesmen and their most learned judges had studied the laws of nations profoundly with a view to extract from that law the rules for their own conduct and the elements of their judgment on the conduct of others. In 1794 the United States government had admitted the principle that if, after prohibiting the equipment and armament of cruisers in American ports, they abstained from using the means in their power to restore prizes captured and brought into United States ports by cruisers subsequently equipped or armed in these ports in violation of the prohibition, they were bound to give compensation for such prizes; but they appear to have limited their admission of liability to that class of cases. When, therefore, the continent upon which they have erected a free and powerful state was convulsed with civil war, the President, Secretaries of State, Chief Justices and other judges of the United States doubtless considered maturely the course they were bound to pursue.

You seem to have supposed that my meaning in reference to Portugal was, that the United States in that case had been in the wrong, and therefore if Great Britain had been wrong in the present instance, the United States would not reproach us. But no such argument entered into my conception. My argument was this: Portugal, during the war of South American independence, complained of captures by American vessels of war, built in the United States, which had not been detained and seized and condemned in the ports of the United States.

The answer of Mr. Adams to these complaints was, as I conceived, valid and conclusive. He said, in effect, "Had you been able to prosecute and convict in the United States, our courts were open to you, and every facility was afforded you. But you cannot make the government of the United States responsible for the acts of men on the high seas, over whom the United States exercise no jurisdiction."

Having repeated the very terms used by Mr. Adams, I say, "To this most just principle, which was again referred to by Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the government of the United States must be held still to adhere." In fact, there was no motive to bias their judgment on this bloody controversy. Spain and Portugal, weakened by bad government, and exhausted by recent struggles for existence, could inspire no apprehension and offer no temptation to the rising and vigorous power of the great western republic. The conduct of the United States government, therefore, is eminently deserving of our study, and, I may add, of our respect.

But as you have commented at some length on the treatment of Portu-

gal by the United States during the war of South American independence, I will enter more fully than I had before done into that question. The correspondence to which I refer began in December, 1816, and closed with a letter of the Portuguese minister in November, 1850. It cannot be pretended that the reclamations of a friendly power, extending over thirty-four years, did not receive the gravest attention of the American government.

In his first letter the Portuguese envoy at Washington complains that Mr. Taylor, of Baltimore, an American citizen, had directed Captain Fish, of the Romp, an American ship, to cruise as a privateer under the insurgent colors of Buenos Ayres against the subjects of Portugal. He adds, "The 18th of last month, (November,) the frigate Clifton, Captain Davy, armed with thirty-two guns of various calibers, and a crew of two hundred men, sailed from Baltimore for Buenos Ayres. This ship anchored below that port, where it has remained for about a fortnight or more, waiting for the American ship Independence of the South, armed with sixteen guns, and for the ships Romp, Tachahoe, Montezuma, and Spanker, and two others, newly constructed, which were fitting with great activity and which had not yet got names. All were to sail together, to cruise in the eastern and western seas of South America under the insurgent colors of Buenos Ayres. No doubt can be entertained of their intentions being the same as those of Captain Fish, and that they will act hostilely against the Portuguese ships."

The Portuguese envoy, Joseph Correa de Serra, prays for the amendment of the law of the United States with a view to render it more efficient in such cases. A law having been passed by Congress for this purpose, the Portuguese envoy, in May, 1817, requests that the President will desire the United States officers in the outposts to use greater vigilance.

In March, 1818, he complains that three Portuguese ships have been captured "by privateers fitted in the United States, manned by American crews, and commanded by American captains, though under insurgent colors."

In October, of the same year, the Portuguese envoy complains that a Portuguese prize is fitting in the Patuxent to cruise against Portuguese commerce.

In November, of the same year, the Portuguese minister states to Mr. Adams that, obliged by his duty to inquire into the nature of the armed ships that had of late insulted the flag of his sovereign, and committed incalculable depredations on the property of his subjects, he had found, to his sorrow, multiplied proofs that many of them were owned by citizens of the United States, and had been fitted in the ports of the Union. He goes on to complain of the difficulties in the way of prosecutions, but compliments the President on his honorable earnestness.

In December, of the same year, the Portuguese minister complains of the armed vessel Irresistible, which had been committing "depredations and unwarrantable outrages on the coast of Brazil." He says it is proved by depositions that John Daniels, the commander of the ship, is an American, and all the crew are Americans. He prays that if the ship should come into an American port means may be taken to bring the said captain and crew within reach of the laws made to punish such scandalous proceedings.

In March, 1819, Monsieur Correa de Serra states, as minister of his sovereign, that Artigas, whose flag is frequently waving in the port of Baltimore, and which is carried by Portuguese prizes in the ports of the Union, has been expelled far from the countries which could afford him

the power of navigating, and has not a foot length of sea-shore in South America where he can show himself. He prays that the Artigan flag may be declared illegal.

In November, 1819, after expressing his gratitude for the proceedings of the Executive, the same minister complains that the evil is rather increasing. He is in possession of "a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which had been captured during a period of profound peace." One city alone, on the coast of the United States, had twenty-six armed ships which preyed on Portuguese commerce, "and a week ago three armed ships of this kind were in that port waiting for a favorable occasion for sailing on a cruise."

In June, 1820, the Portuguese minister complains that a Portuguese prize had been sold by auction in Baltimore to Captain Chase, (a notorious privateersman,) and was to be immediately fitted out as a privateer to cruise against the Portuguese Indiamen.

In July of the same year the Portuguese minister sends a list of "the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships fitted in ports of the Union by citizens of those States." His sovereign wishes the affair to be treated with that candor and conciliating dignified spirit which becomes two powers who feel a mutual esteem and have a proper sense of their moral integrity. "In this spirit I have the honor to propose to this government to appoint commissioners on their side, with full powers to confer and agree with his Majesty's ministers on what reason and justice demand."

In December, 1820, the Chevalier Amado Grehon transmitted to Mr. Adams a copy of twelve claims, with the value of the ships, desiring him to add them to the list furnished by the Chevalier Correa de Serra.

In April, 1822, the same minister repeats the proposal made in July, 1820, "of having recourse to commissaries chosen by both governments for the purpose of arranging the indemnities justly due to Portuguese citizens for the damage which they have sustained by reason of piracies supported by the capital and the means of citizens of the United States, an essential condition which, in this way repairing the past, secures also the future."

On the 25th of May, 1850, the chargé d'affaires of Portugal, writing to the Secretary of State of the United States, declares: "The undersigned is authorized to come to an understanding with the new Secretary of State upon the subject, and to submit the voluminous documents and papers in his possession to the joint examination and decision of the commissioners or arbitrators appointed by the American government on the one part, and the undersigned, on behalf of her Majesty's government, on the other," &c.

Having thus related the complaints of the Portuguese government during the years which elapsed from 1816 to 1822, and from 1822 to 1850, I will now give, from the organs of the United States, the answers which that government gave to these solemn and reiterated complaints.

In March, 1817, the Secretary of State transmitted to the Portuguese minister at Washington an act of Congress, passed on the 3d of that month, to preserve more effectually the neutral relations of the United States.

On the 14th of March, 1818, in answer to a letter complaining of the capture of three Portuguese ships by privateers, Mr. Adams says: "The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in these ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and

pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by captures over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible. A decisive reason for this, if there were no other, is the inability to provide a tribunal before which the facts can be proved. The documents to which you refer must of course be *ex parte* statements, which, in Portugal or in Brazil, as well as in this country, could only serve as a foundation for actions in damages, or for the prosecution and trial of the persons supposed to have committed the depredations and outrages alleged in them. Should the parties come within the jurisdiction of the United States, there are courts of admiralty competent to ascertain the facts upon litigation between them, to punish the outrages which may be duly proved, and to restore the property to its rightful owners, should it also be brought within our jurisdiction, and found, upon judicial inquiry, to have been taken in the manner represented by your letter. By the universal law of nations the obligations of the American government extend no further."

The Secretary of State, in subsequent letters, promises to prosecute in the United States courts persons chargeable with a violation of the laws of the United States in fitting out and arming a vessel of the United States for the purpose of cruising against the subjects of the Queen of Portugal.

To the proposal to appoint commissioners, made in July, 1820, the United States Secretary of State, on the 30th of September of the same year, replies as follows:

"The proposal contained in your note of the 16th of July last has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this government is animated in its intercourse with all foreign governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners to confer and agree with the ministers of his most faithful Majesty upon the subject to which your letter relates would not be consistent either with the Constitution of the United States nor with any practice usual among civilized nations."

He proceeds to say:

"If any Portuguese subject has suffered wrong by the act of any citizen of the United States within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States committed out of their jurisdiction and beyond their control, the government of the United States is not responsible. To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States has been to observe a perfect and impartial neutrality."

The same reply is again given to Chevalier Armado Grehon, in a letter dated the 30th of April, 1822:

"I am at the same time directed to state that the propositions of the Chevalier Correa de Serra, in his note of the 16th of July, 1820, for the appointment of commissaries chosen by both governments to arrange indemnities claimed by Portuguese citizens for damages stated by them to have been sustained by reason of piracies supported by the capital and means of citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsi-

ble to another for the acts of its citizens committed without its jurisdiction and out of the reach of its control."

The policy of the United States is further explained in a dispatch of Mr. Secretary Adams to Mr. Dearborn, dated the 25th of June, 1822. It is there set forth that in the critical state of the relations of the two countries, it is necessary to employ the agency of a person fully qualified to represent the interests of the United States. It is affirmed that whenever Portuguese captured vessels have been brought within the jurisdiction of the United States, decrees of restitution have been pronounced.

In referring, however, to the lists of captures and the demand of a joint commission to determine and assess the damages to be paid by the United States, the former refusal was thus repeated: "As there was no precedent for the appointment of such a commission under such circumstances, and as not a single capture had been alleged for which the United States were justly responsible, this proposal was of course denied, and nothing further was heard upon the subject until the 1st of April last, when a note was received from the present chargé d'affaires of Portugal, leading to a correspondence, copies of which are now furnished you."

The correspondence seems not to have been resumed till 1850, when, as has been shown, the demand for a commission was repeated.

The Secretary of State of the United States thereupon gave this summary and final answer, dated May 30, 1850:

"The undersigned is surprised at the reappearance of these obsolete reclamations, accompanied by the renewal of the ancient proposition to appoint a joint commission to determine and assess damages, a proposition which was rejected at the time upon substantial grounds; and without the minister's assurance to that effect, the undersigned would not have supposed it credible that Portugal seriously cherished any intention to revive them. In reply, therefore, to the note which the minister of her most faithful Majesty has presented in the name of his government, the undersigned must now, by the President's order, inform him that he declines reopening the proffered discussion."

This dispatch is signed "John M. Clayton."

A long and able dispatch of the Portuguese minister at Washington, recapitulating all the grievances of Portugal, dated November 7, 1850, does not appear to have received an answer.

The practice of the United States courts during the war of the South American colonies against Spain and Portugal, seems to have been confined to the restitution of prizes actually brought into the ports of the United States. The doctrine of the courts of justice upon the subject was thus laid down by Chief Justice Story, in pronouncing the decision of the Supreme Court in the case of the Amistad de Rues, (5 Wheaton, p. 388.) Speaking of the case of damages, he says: "When called upon by either of the belligerents *to act in such cases, all that justice seems to require is that the neutral nation shall fairly execute its own laws and give no asylum to the property unjustly captured. It is bound, therefore, to restore the property, if found within its ports; but beyond this it is not obliged to interpose between the belligerents.*

"If, indeed, it were otherwise, there would be no end to the difficulties and embarrassments of neutral prize tribunals. They would be compelled to decide in every variety of shape upon various trespasses *in rem* and *in personam* between belligerents, without possessing adequate means of ascertaining the real facts, or of compelling the attendance of foreign witnesses, and thus they would draw within their jurisdiction almost every incident of prize. Such a course of things would neces-

sarily create irritation and animosities, and very soon embroil neutral nations in all the controversies and hostilities of the conflicting parties.

"Considerations of public policy come, therefore, in aid of what we consider the law of nations on this subject; and we may add that Congress, in its legislation, has never passed the limit that is here marked out.

To the same effect is the doctrine laid down by the Supreme Court in the case of the brig Alerta.* "A neutral nation may, if so disposed, without a breach of her neutral character, grant permission to both belligerents to equip their vessels of war within her territory. But without such a permission the subjects of such belligerent powers have no right to equip vessels of war, or to increase or augment their force, either with arms or with men, within the territory of such neutral nation. Such unauthorized acts violate her sovereignty and her rights as a neutral. All captures made by means of such equipment are illegal in relation to such nation, and it is competent to her courts to punish the offenders, and in case the prizes taken by her are brought *infra præsidia*, to order them to be restored."

In comparing the course pursued by the government and Congress of the United States in the case of the South American civil war, with that pursued by her Majesty's government in the case of the North American civil war, the following differences are perceptible: The number of vessels built and fitted out in American ports, which successfully evaded the provisions of the laws made to restrain them, and proceeded to cruise against Portuguese commerce, was very great; those which escaped the execution of the laws of Great Britain were very few. In the former case these illegal cruisers must have been thirty or forty; in the latter, three or four. In the case of the South American civil war the cruisers in question were generally commanded by citizens of the United States and navigated by crews of the neutral nation; in the case of the North American civil war, no English captain appears to have commanded a cruiser, and the crews were generally, though not altogether, from the States in insurrection.

But there is one essential point on which the United States and Great Britain appear entirely to agree. The United States, when neutral, refused to be responsible for captures at sea not brought within their jurisdiction, or to listen to a proposal to appoint a commission to assess damages; the government of the United Kingdom have taken a similar course. It is true that in applying the principle there has been a divergency of practice. The United States admitted their prizes to their harbors, but restored them, if practicable, when called upon by the decrees of courts of law, to their owners. The government of Great Britain refused admission altogether to such prizes. The principle is the same, and it is hardly worth while to dispute which course was most inconvenient to the insurgent cruisers. It appears to me, I confess, that the course pursued by her Majesty's government tended more effectually to discourage insurgent cruisers than that pursued by the United States.

But as to the principle involved, let me ask you, supposing a merchant or passenger vessel, belonging to the United States, were to go to the coast of Madagascar, and were there to meet a ship from Boston with cannon and muskets, and the merchant ship, being then armed, were to take part against Brazil in the war between Brazil and Paraguay; let me ask, I say, whether your government would think them-

* Curtis's Report, vol. iii, p. 382.

selves bound to afford reparation to Brazil for all the captures made by that ship? Yet such is the case of the Shenandoah.

It seems to her Majesty's government that, if the liability of neutral nations were stretched thus far, this pretension, new to the law of nations, would be most burdensome, and indeed most dangerous.

A maritime nation, whose people occupy themselves in constructing ships and cannon and arms, might be made responsible for the whole damages of a war in which that nation had taken no part.

I am thankful, therefore, to Mr. Adams for having, in 1818, 1820, and 1822, shielded maritime powers by his conclusive argument from such alarming liabilities.

You say, indeed, that the government of the United States altered the law at the urgent request of the Portuguese minister. But you forget that the law thus altered was the law of 1794, and that the law of 1818, then adopted, was, in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already, in its main provisions, adopted by our legislature, you might reasonably have asked us to make a new law; but, surely, we are not bound to go on making new laws *ad infinitum* because new occasions arise.

The fact is, this question of a new law was frequently discussed; but the conclusion arrived at was, that unless the existing law, after a sufficient trial, should be proved to be practically inadequate, the object in view would not be promoted by any attempt at new legislation.

The existing law has, in fact, not proved inadequate, when circumstances of strong suspicion have been so far established as to justify the government in ordering the detention of the suspected vessels; and it is by no means certain that any possible alteration of the law would enable more to be done, in the way of prevention, than this. That power was exercised in the case of the rams in the Mersey, and of the Canton or Pampero in the Clyde; and in neither case has the power so exercised been censured or revoked, either in a court of law or by any vote of Parliament.

If it be said, as some persons of high authority in Parliament have said, that the executive government of the United Kingdom exercised in these cases an illegal power, my answer is, that whatever force such an argument might have in a court of law, or in Parliament, it can have none in the mouth of a Secretary of State of the United States; for, whether exercised legally or illegally, the power was equally effective in protecting the commerce and the harbors of the United States against ships built and equipped in British ports.

With respect to orders to refuse entrance into our ports to all ships partly fitted up in the United Kingdom for the service of the confederates, there was extreme difficulty in giving any such orders.

During the South American civil war it was found practicable to bring to New York or Boston witnesses to prove that a South American cruiser had been built and armed in Baltimore. But to carry witnesses from Liverpool to Nassau, or Jamaica, to prove the building of the Alabama at Birkenhead, would have been a fruitless effort.

To produce copy of a conviction of the Alabama was impossible, as she had escaped conviction by flight; to carry witnesses to the Cape of

Good Hope, to Melbourne, and elsewhere, for the purpose of showing that her owners had violated the foreign enlistment act, was equally out of the question. No less impracticable would it have been to say to our governors, "You may admit the Alabama; you may admit the Stonewall; but you must not admit the Florida."

In your letter of the 23d of October, 1863, you were pleased to say that the goverment of the United States is ready to agree to any form of arbitration. Her Majesty's government have thus been led to consider what question could be put to any sovereign or state to whom this very great power should be assigned.

It appears to her Majesty's government that there are but two questions by which the claim of compensation could be tested: the one is, have the British government acted with due diligence, or, in other words, in good faith and honesty, in the maintenance of the neutrality they proclaimed? The other is, have the law officers of the Crown properly understood the foreign enlistment act, when they declined, in June, 1862, to advise the detention and seizure of the Alabama, and on other occasions when they were asked to detain other ships building or fitting in British ports?

It appears to her Majesty's government that neither of these questions could be put to a foreign government with any regard to the dignity and character of the British Crown and the British nation. Her Majesty's government are the sole guardians of their own honor. They cannot admit that they have acted with bad faith in maintaining the neutrality they professed. The law officers of the Crown must be held to be better interpreters of a British statute than any foreign government can be presumed to be. Her Majesty's government must, therefore, decline either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state. Her Majesty's government conceive that if they were to act otherwise they would endanger the position of neutrals in all future wars.

Her Majesty's government, however, are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war, which the two powers shall agree to refer to the commissioners.

I cannot conclude without taking this opportunity to ask you to join with her Majesty's government in rejoicing that the war has ended without any rupture between two nations which ought to be connected by the closest bonds of amity.

The government of the United States have carried on to a successful issue, with great fortitude and perseverance, a civil war of unequaled magnitude. In the course of this war they have resolved to abolish slavery. The British nation have always entertained, and still entertain, the deepest abhorrence of laws by which men of one color were made slaves of men of another color.

The efforts by which the United States government and Congress have shaken off slavery have, therefore, the warmest sympathies of the people of these kingdoms.

The same sympathies will accompany the President and Congress of the United States, in endeavoring to reorganize the southern States on the basis of equal freedom.

Nor is there any question in dispute which seems likely to disturb the friendship of two nations which—the one in Europe, and the other in America—are distinguished for their love of liberty. Let our two nations, therefore, instead of captious discussions, respect the honor,

and believe in the friendly intentions, of each other. In this manner we may preserve unbroken the ties of peace, and exercise a beneficial influence on the future destinies of the nations of the world.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1043.] LEGATION OF THE UNITED STATES,
London, September 8, 1865.

SIR: Upon a close scrutiny of the substance of Lord Russell's note to me, a copy of which goes to you with my dispatch No. 1042, I perceive a circumstance of a very singular nature. The proposition which he makes of a commission, to which all claims are to be referred, does not appear to me, at first sight, materially to differ from that made by the Portuguese government in July, 1820. The answer that was given by the United States declining that proposal, on the ground that "it was not consistent either with the Constitution of the United States, or with any practice usual among civilized nations," happens to make a part of the same note. Hence the British government is placed in the awkward situation either of appearing to make a proposal which it knows beforehand to be inadmissible, or else of desiring to make the United States determined to accept the measure in flagrant opposition to its former principles, and thus display inconsistency in its views of radical questions.

I propose in my note to bring to his lordship's notice this strange peculiarity without in any way attempting to foreclose the action of the President upon the proposal itself, should any material difference in the view taken of it, as contrasted with that in the former case, be perceived.

Thus much I have felt it my duty to state in advance as matter of precaution, although I have no doubt that the difficulty alluded to will have been instantly seen on an examination of the paper.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1046.] LEGATION OF THE UNITED STATES,
London, September 14, 1865.

SIR: The note which I have prepared in reply to Lord Russell, as mentioned in my dispatches Nos. 1042 and 1043, of the 7th and 8th instant, has drawn into such length that I shall be unable to forward a copy of it to you by this steamer. Inasmuch as the historical part of the controversy was elicited in the first instance by references of my own, I have thought it important that it should not be left obscure on

the record. If, in taking this latitude, I should appear heretofore to have trenched a little upon the line of your indulgence, I trust that a period will be put to it henceforward. I had hoped that the epoch of voluminous notes had passed by in this legation, at least for my time.

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I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 1052.] LEGATION OF THE UNITED STATES,
London, September 21, 1865.

SIR: I now have the honor to transmit to you a copy of my note to Lord Russell, in reply to his of the 30th of August, which I have already mentioned as in preparation. It is longer than I had intended to make it, but I hope it may serve to close the controversy on this side. I beg to observe that nearly all of the historical portion, which most conduced to prolixity, was of his lordship's making.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 18, 1865.

MY LORD: I have had the honor to receive your note of the 30th of last month in reply to mine of the 20th of May last.

It gives me great satisfaction to be the medium of communicating to my government the very friendly assurances of your lordship; I cannot entertain a doubt that they will be fully appreciated.

In respect to the reference which you have done me the honor to make to me, as having at no time entertained a doubt of the intentions of her Majesty's ministers to maintain amicable relations with my government during the late severe struggle in my country, I am happy to believe that your lordship has not essentially misunderstood my sentiments. At the same time that I cheerfully confirm such declarations as may have been made by me on that subject in the correspondence I have heretofore had the honor to hold with your lordship, I trust I may be permitted to claim, on behalf of my own government, the credit of intentions to the full as amicable. Indeed, without the presence of these elements on both sides, I should have despaired of the possibility of the passage of the two nations in safety through the difficulties presented to them from within as well as from without.

But whilst I am prompt to respond to your lordship in the sense attributed to me, I pray permission to guard myself against an inference that might by possibility be drawn from a portion of your language, prejudicial to my maintenance of the course which my government has seen fit to take in regard to the events which have given rise to the

present discussion. Whilst doing the fullest justice to the intentions of her Majesty's ministers, I feel equally bound to preclude the supposition that I have ever been satisfied with the measure in which, on too many occasions, they have contented themselves with carrying these intentions into practice. Inasmuch as the relations between nations, not less than between individuals, must depend upon the mode in which they fulfill their obligations toward each other, rather than upon their motives, the questions which have grown out of the events of the late war appear to lose little of their gravity from any reciprocal disavowal, however complete, of ill-will on the part of the respective governments.

I am happy to concur with your lordship in the opinion that this appears to be a favorable moment for a calm and candid examination of these questions. Were it not for this consideration, I should abstain from further discussion, and content myself with simply transmitting to my government the conclusion to which her Majesty's ministers have arrived, as communicated to me toward the close of your lordship's note. But entertaining, as I do, a strong impression that in the matter now at issue is involved a question of international comity, based upon grave principles of morals of universal application, the decision of which is likely to have a very wide bearing upon the future relations of all civilized nations, and especially those most frequenting the high seas, I feel myself under the necessity of placing upon record the views of it held by the government which I have the honor to represent, at least to the extent to which the period of my service at this post has enabled me to do them but feeble justice.

In the note which I had the honor to address to your lordship on the 20th of May last, when recapitulating, in the form of propositions, the argument which made the basis of certain reclamations upon her Majesty's government, I submitted first of all, "That the act of recognition by her Majesty's government of insurgents as belligerents on the high seas before they had a single vessel afloat was precipitate and unprecedented."

To this affirmation I understand your lordship now to reply by candidly admitting the truth of at least one-half of it. In pleading in justification, that the insurrection which caused it was unprecedented, you certainly concede that the recognition was so likewise. It may then hereafter be assumed as a fact beyond dispute that no similar act was ever done by one nation toward another with which it was in amity.

With regard to the other term which I took the liberty to use—the word "precipitate"—I beg leave to call your lordship's attention to the ground upon which you proceed to justify the act of recognition. You are pleased to observe that it "followed and did not precede our own declaration of the intended blockade of six or seven considerable ports, and the declaration of an intention on the part of the confederates to issue letters of marque."

Now I pray you particularly to note that if this be the whole case made, your lordship has gone the length of conceding that her Majesty's government actually adopted this most grave proceeding without the evidence in its possession of any fact whatever upon which to rest it. The statement is simply that a declaration of *intentions* to act had been made by the respective parties preparing for a struggle.

Hence, I feel constrained respectfully to submit it to your lordship whether, in the history of civilized nations, there can be found a single instance in which a step of such importance was ever taken by one friendly government in regard to another upon a mere presumption of what was going to be done—an assumption of certain acts contemplated,

but not performed. It would appear to be the part of calm statesmanship, in cases which cannot fail deeply to affect the interests of a friendly nation, to postpone acting at least until something shall have been actually done to require it. In this instance there was no certainty, at the time when her Majesty's government acted, that either of those declarations of intention would be fulfilled.

The result proves that one of them, in point of fact, never was executed. Neither is it at all beyond the possibility of belief that the other would have been equally left incomplete but for this very action of her Majesty's government, which precluded all chance of avoiding to have recourse to it. The actual blockade, then, so far from being a cause, became actually an inevitable consequence of its policy. With the reluctance of my government to resort to that measure, and the causes which overcame it, your lordship must have been too fully acquainted at the time to render it necessary for me to dwell upon this matter further.

As a still stronger proof of the precipitate nature of that declaration, if any were needed, I pray permission only to refer to your published letter to Lord Lyons, written on the very day the announcement of the step taken by the government was made by yourself in the House of Commons—the 6th of May, 1861. In that letter your lordship freely admits that, by reason of the interruption of the communication between New York and Washington, you had not then any information of the precise measures actually taken, down to that moment, by either of the parties in the struggle "which *appeared* to have commenced."

Yet, in spite of these circumstances, which deprived her Majesty's government of all accurate knowledge of the facts, and notwithstanding that there was no apparent cause, in any event that had occurred, urgently demanding an immediate decision, it was determined to adopt this step at this time; a step which, however intended, could not, just at the beginning of an undertaking to sap by violence the established authority of a friendly power, fail to have an influence injurious to the maintenance of that authority, and favorable to its overthrow. Considering the nature of the friendly intentions which your lordship is pleased to take credit for, and in which I fully believe, the very best excuse which I can imagine for this proceeding is that it was precipitate.

I should be sorry to be led to the natural inference that would follow my admitting it, to have been done with deliberate premeditation. I therefore must respectfully persist, notwithstanding your lordship's reluctance, in the opinion that I have not failed to give it the epithet which most fittingly belongs to it.

But your lordship, in your note, is pleased to justify this extraordinary, "unprecedented and precipitate" step on another ground. This is the "magnitude" of the appearance of the insurrection. This certainly corresponds with my impression of the reasoning which you assigned to me in the first conversation which I had the honor to hold with you, after my arrival in this country, the 18th of May, 1861. This view is now amplified in the form of the propositions Nos. 1 and 2, with which your lordship has now favored me.

1st. "That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operations, so well and so long prepared, so soon and so completely furnished with the machinery of civil government—a national representation—generals and officers of high military reputation, armies fully equipped, and fortifications recently in possession of the established government."

2d. "That intelligence reached her Majesty's government in the spring

of 1861 that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upward of three thousand miles of sea-coast; that they comprised more than five million of people, exclusive of the negro slaves; that the president of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal; that the President of the United States, on the other hand, had proclaimed his intention to establish a blockade of all the ports of the southern States; and that, in these circumstances, the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance."

In response to this, may I be permitted to beg your attention to the fact that, with, perhaps, the exception of the gross number of the people engaged, I *do* think myself able to furnish an example of an insurrection in every particular corresponding to your description, which has occurred within the last century. I do not doubt that my allusion will at once be understood by your lordship without another word.

Yet, notwithstanding all the points of identity in that case, I cannot find that her Majesty's government was met at the outset in 1774 with any announcement by a foreign power in amity with Great Britain of a necessity immediately to recognize the insurgents as a belligerent power, because of the magnitude of the struggle or for any other cause; neither is there the smallest ground for believing that it would have tolerated the proceeding for one moment if it had been.

Her Majesty's government at once resorted, without scruple or hesitation, to every right ordinarily exercised by a belligerent in a war with a strong power, and was met with a degree of resistance more effective and enduring than any manifested in the late struggle. That resistance, too, was carried out on the ocean, where alone the interests of distant neutral states are liable to be seriously affected by the domestic strife of any nation, in a manner far more extensive than the late insurgents, by their unaided efforts, ever could have attempted. Yet a length of time elapsed before any foreign power, however much inclined, ventured to find in this state of things any reason for considering the people waging such a war as a belligerent power. It furthermore is certain, that if at any time the smallest indication of a leaning that way manifested itself in any of the commercial powers, it was immediately noted by the British government for remonstrance and reclamation.

Your lordship has been pleased to review the conduct of France in this emergency, and endeavor to set aside the parallel which I attempted in my note, on the ground that that country was animated by a policy decidedly hostile to Great Britain. The fact is doubtless so. But it so happens that this only bears with the more force in my favor on the present argument. Had France, being inclined to injure Great Britain, decided to recognize the insurgents as a belligerent, it would, according to the doctrine now avowed by her Majesty's government, have been doing no more than was absolutely necessary, and altogether justifiable. Why did it not take this step at once? Unhappily for the example, Great Britain, at the outset, insisted upon considering her as a friendly power, and called upon her solemnly to desist from any attempt whatever to recognize the presence of the insurgent force. In proof of this I beg permission to quote a brief extract from a historical writer, well known to have drawn his statements from official sources. Mr. Adolphus says, that in April, 1775—that is, one year after the outbreak of the insurrection—"the friendly disposition of the French government toward Great Britain had been unequivocally demonstrated; and the

expectation that succor would be afforded to the Americans *was suppressed by an edict prohibiting all intercourse with them.*"

It thus appears that no idea was, at that early period, entertained by the British authorities of any unfriendly disposition on the part of France. So far from being inclined, as your lordship supposes it might have been, to give such aid to the insurrection, which since 1774 had been developing its great proportions, by any recognition of it as a belligerent, the French sovereign frankly responded to an appeal made by Great Britain, by interdicting his people from all relations whatever with the Americans. In other words, the example shows that on both sides there was not the remotest conception that a recognition of insurgents as a belligerent immediately upon the breaking out of the insurrection could be considered as a justifiable act on the part of a friendly power.

This brings me to the point at which I am compelled to question the soundness of the proposition upon which your lordship appears to proceed, to wit, that the action of foreign countries in reference to an insurrection that may take place against the established government of a friendly power is to be regulated by a consideration of the magnitude of the numbers that are engaged in the struggle. To my mind there is a difficulty in finding a foundation in sound principle for drawing such a distinction. If I may be permitted to express my own impression, it is that this action of foreign governments, if presumed to be really friendly, is rather to be based upon something like the same rule which they, whether representing large or small communities, would desire to be applied to themselves when in similar circumstances.

The true criterion by which to be guided appears to be rather framed by patient observation of the probabilities of the issue. This can rarely be foreseen at the outset. It is not dependent on the mere accident of numbers. The force which lately overturned the government at Naples did not seem adequate to the object, yet it was accomplished nevertheless, and foreign nations consequently recognized the result. On the other hand, the numerical force enlisted in the insurrection in the United States seemed large, but time has shown that there never was a moment whilst it lasted that it had a chance of success against the resolute perseverance of a far stronger antagonist. For a foreign nation to have recognized in advance the handful of followers under the lead of General Garibaldi as a belligerent power would have been everywhere regarded as a violation of comity to the sovereign then ruling at Naples, and interfering to uphold an otherwise desperate undertaking; yet the new kingdom of Italy was the offspring of this enterprise. On the other hand, the attempt in advance to assume the unlikelihood that the legitimate authorities in the United States would sustain themselves, purely because of the magnitude of the forces levied against them, and to make this reason a basis for an "unprecedented and precipitate" act investing them with the rights of a belligerent all over the world, has ended only in furnishing a historical precedent, against the authority of which I cannot but feel it to be for the peace and harmony of civilized nations for all later times most earnestly to protest.

If I am correct in this view, then the conclusion which I find true international comity to prompt is this: Whenever an insurrection against the established government of a country takes place, the duty of governments under obligations to maintain peace and friendship with it appears to be, at first, to abstain carefully from any step that may have the smallest influence in affecting the result. Whenever facts occur, of which it is necessary to take notice, either because they involve a neces-

sity of protecting personal interests at home, or avoiding an implication in the struggle, then it appears to be just and right to provide for the emergency by specific measures, precisely to the extent that may be required, but no further. It is, then, facts alone, and not appearances or presumptions, that justify action. But even these are not to be dealt with further than the occasion demands—a rigid neutrality in whatever may be done is, of course, understood. If, after the lapse of a reasonable period, there be little prospect of a termination of the struggle, especially if this be carried on upon the ocean, a recognition of the parties as belligerents appears to be justifiable, and at that time, so far as I can ascertain, such a step has never in fact been objected to. Lastly, when the evidence sustains a belief that the established government has utterly lost the power of control over the resistance made without probability of recovery, it is competent for any friendly government to recognize the insurgent force as an independent power, without giving just cause for offense.

Such appears to me to have been the course rigidly adhered to by the government which I have the honor to represent in the long struggle that took place between Spain and her colonies in South America. On which side of it the sympathies of the people were, cannot admit of a doubt. Yet the respective dates which your lordship has been kind enough to search out, and record in your note, sufficiently establish the fact how carefully all precipitation was avoided in judging of the issue in regard to the mother country. I may, perhaps, be permitted to observe that the action of her Majesty's government in the same cases furnishes even stronger precedents to confirm the soundness of my views. Its recognition of belligerency in these instances cannot be considered as suitably described by either term "unprecedented" or "precipitate."

I have dwelt at some length upon this original point of difference between the two countries, because it has ever seemed to me the fruitful parent of all the subsequent difficulties, the nurse of a very large share of ill feeling, which I cannot deny now prevails among my countrymen. How much stress has been laid upon it by my government, and how ably Mr. Seward, to whom your lordship has kindly paid so graceful a compliment, has heretofore applied what you justly term "his remarkable powers of mind" to it, I am sure I need not remind you. In my note of the 20th of May I endeavored to arrange in a logical sequence of distinct propositions the effects which followed this as the first step, and which have led to the reclamations I have been constrained by my instructions to present. I do not propose at this time to dwell upon them further. I will only venture to excuse the earnestness with which I venture to give expression to my views, under the plea of my belief that upon a correct decision in this controversy may depend the security which the commerce of belligerents will hereafter enjoy on the high seas, against the hazard of being swept from them through the acts of nations professing to be neutral and bound to be friendly.

For if it be once fairly established as a principle of the international code that a neutral power is the sole judge of the degree to which it has done its duty, under a code of its own making for the prevention of gross and flagrant outrages, initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects, and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it

has attempted as an excuse, and thenceforward claim with justice to be released from the inevitable consequences that must ensue from its inaction, then it must surely follow that the only competition between neutral powers hereafter will be, not which shall do the most, but which shall do the least to fulfill its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts that take place between belligerents on the ocean. If this be once recognized as good law, through the authority which the powerful influence of her Majesty's government can attach to it, I dare not venture to foresee how much reluctance there may be on the part of the people whom I have the honor to represent to accept and act upon it. Hitherto a want of eagerness on the part of the most adventurous and least scrupulous portion of them to promote enterprises on behalf of any belligerent that promised personal advantage cannot be charged upon them. The references made by your lordship to the cases of Spain and Portugal must have convinced you of this truth. The prospect of impunity in such enterprises is all that is needed. Further than this, I might only venture to suggest to your lordship to consider which of the nations of the world presents on every sea around the globe the most tempting prizes in an event, no friend would more deplore than myself, of its being again, as it has so often been heretofore, doomed to be afflicted by the calamities of a war.

It does so happen, however, that no doctrine of this kind has yet been accepted as legitimate by the government which I represent.

On the contrary, it has ever assumed the painful and difficult task of responding to the just appeals of foreign friendly nations for protection against such enterprises. Whenever representations have been made by their agents, measures have been promptly taken to enforce the laws; and when the issue proved the inefficiency of the existing statutes, the duty of further legislation has been promptly recognized. This appears to me to constitute the full obligation of a neutral. Singularly enough, this course was taken in at least three instances on the representations made by authority of her Majesty's government. I allude to the first law passed in 1794, in consequence of the complaints and at the special instance of Mr. Hammond, and to another in 1797. Your lordship appears to me but partially to state what was done when you dwell only on the compensation actually made for the cases in which there had been a failure to act. These laws were enacted to provide a better preventive process in all future cases, mainly for the protection of British commerce.

The third example was the law of 1838, which was the remedy applied to excesses committed on the boundary of the British provinces in Canada by persons in the United States whom the existing statutes were found not effective to restrain or punish.

Thus it was, too, in the case of Portugal, to which your lordship is pleased once more to call my attention. And here I must ask permission to restate my view of the matter, which seems to have failed to be fully considered by your lordship. I certainly understood you to introduce the case into the correspondence as going to show this: that the government of the United States had set a precedent of disavowing further responsibility in cases of reclamations for injuries committed on the high seas by outfits made in despite of them in their ports against the commerce of Portugal, which the existing law had proved on trial ineffective to prevent or punish. This is the precise position which I understood her Majesty's government to assume. Hence the value of the example as a personal argument in the present instance.

In opposition to this view, it has been my purpose, by appealing to the facts in the case, to show that the government had at once recog-

nized the validity of the remonstrances of Portugal by first resorting to the laws already provided to meet the case by appeal to the courts, and next by promptly responding to the later demands of the same nation for more effectual modes of restraint than those which experience had shown to be ineffectual. To meet this demand a new law more particularly addressed to the object of prevention had been enacted, the efficacy of which proved so considerable as actually to elicit from the remonstrating party repeated expressions of his satisfaction with it. It does not appear that any further security was ever asked than this. The government had done everything that could be reasonably required. It was, therefore, discharged from responsibility.

There were, indeed, subsequent cases of wrongful outfits and captures, of which your lordship has taken note. But in reply to the remonstrances that followed, the answer was prompt that they no longer raised questions that called for the interposition of the executive department. Its whole duty had been performed. The true remedy was now open by an appeal to the courts. The language of Mr. Adams, in his reply to M. Correa de Serra, a portion of which only I perceive has been introduced in your lordship's note, goes directly to this point. I pray permission to supply it in the following extract:

"The government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. *They have by various and successive acts of legislation manifested their constant earnestness to fulfill their duties toward all the parties to that war;* they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognized by all tribunals of similar jurisdiction."

Your lordship, in reading this passage, could hardly have failed to feel the force of the successive affirmations of fact which form the grounds of the plea that all the obligations imposed upon a neutral power in such cases had been fulfilled.

The fact in the case was, that M. Correa de Serra in his representations had begun to change his grounds of complaint, and direct his charges against the administration of justice in the courts. This was a position obviously untenable. Much and sorely as I have felt at times the little chance that the United States has stood of receiving impartial justice in her Majesty's courts, I have never received from my government any instructions which did not fully recognize the impropriety of raising a question in regard to their decisions. This makes no part whatever of the grounds upon which I am instructed to make reclamations. The question has never been as to what the judicial tribunals have done or failed to do. It turns exclusively upon the duties of a neutral government to perform its obligations to a friendly power by a prompt and energetic policy of repression of flagrant wrongs through existing means, and in the event of a failure of those means by the adoption of others, which it was entirely within its power to supply, if so disposed. The responsibility entailed upon her Majesty's government in the present instance has always seemed to me to grow out of the feebleness of its measures of prevention at the outset, and its deliberate refusal to obtain an enlargement of its powers after existing remedies had proved unavailing

With respect to that portion of your lordship's note which appears to defend the existing legislation as having really proved adequate, I beg leave only to remark that it is sufficiently answered by the fact that you proceed to specify in proof of it only those cases in which her Majesty's government is admitted to have taken a responsibility of action beyond

the law. Whilst I have always been ready to bear testimony to the eminent utility of the action for which your lordship appears to have assumed a grave responsibility, I am at a loss to perceive how this diminishes the force of the reasoning which would seek from the legitimate protection of the law of the land that performance of obligation which appears now to depend only on the courage of the minister to transcend its limits.

And here I must pray permission to dwell a moment upon one passage of your lordship's note, which has excited a strong sense of surprise, not to say astonishment. In order that I may by no possibility be guilty of any misconstruction of the meaning of the language, I take the liberty, with your permission, to transfer the very words. They are these:

"You say, indeed, that the government of the United States altered the law at the request of the Portuguese minister.

"But you forget that the law thus altered was the law of 1794, and that the law of 1818, then adopted, was, in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

"Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already in its main provisions adopted by our legislature, you might reasonably have asked us to make a new law, but surely we are not bound to go on making new laws *ad infinitum* because new occasions arise."

If I do not rightly comprehend the sense of your lordship, I pray to be corrected, when I assume it to be, that an argument drawn from the precedent of the course of my government in enacting a new law to meet the remonstrance of the Portuguese minister has no force in supporting the representation I make in the present instance, because these very provisions of American legislation have been already long since substantially adopted by Great Britain in the enlistment act, the very act which is now complained of as ineffective. In other words, your lordship appears to take it for granted that Great Britain, having already passed a law as stringent and effective as that of the United States, is, therefore, justified in declining any proposal to go on amending it.

If this be in verity your position, I must pray your pardon if I hazard the remark, in reply, that you cannot have given to the respective statutes in question the benefit of that careful collation which the occasion would seem to require. If you had done so, you must have noticed that in point of fact they are materially unlike. The British law is, as your lordship states, a re-enactment of that of the United States, but it does not adopt all of "its main provisions," as you seem to suppose. Singularly enough, it entirely omits those very same sections which were originally enacted in 1817, as a temporary law on the complaint of the Portuguese minister, and were made permanent in that of 1818. It is in these very sections that our experience has shown us to reside the best preventive force in the whole law. I do not doubt, as I had the honor to remark in my former note, that if they had been also incorporated into the British statute, a large portion of the undertakings of which my government so justly complains would have never been commenced; or, if commenced, would never have been executed. Surely it was not from any fault of the United States that these effective provisions of their own law failed to find a place in the corresponding legislation of Great Britain. But the occasion having arisen when the absence of some sim-

ilar security was felt by my government to be productive of the most injurious effects, I cannot but think that it was not so unreasonable, as your lordship appears to assume, that it should hope to see a willingness in that of Great Britain to make the reciprocal legislation still more complete. In that hope it was destined to be utterly disappointed. Her Majesty's government decided not to act. Of that decision it is no part of my duty to complain. The responsibility for the injuries done to citizens of the United States by the subjects of a friendly nation, by reason of this refusal to respond, surely cannot be made to rest with them. It appears, therefore, necessarily to attach to the party making the refusal.

But if the example thus set by her Majesty's government should come to be generally adopted, and the principles of neutrality upon which it rests be recognized as a part of the code of international law, then it is not difficult to foresee the probable consequence. A new era in the relations of neutrals to belligerents on the high seas will open. Neutral ports in that event will before long become the true centers from which the most effective and dangerous enterprises against the commerce of belligerents may be contrived, fitted out, and executed. The existing restrictions upon the exploits of daring adventurers will rapidly become obsolete, and no new ones will be adopted. Ships, men, and money will always be at hand for the service of any power sufficiently strong to hold forth a probability of repayment in any form, or adroit enough to secure a share of the popular sympathy in its undertakings. New Floridas, Alabamas, Shenandoahs, will appear on every sea. If such be the recognized law, I will not undertake to affirm that the country which I have the honor to represent would not in the end be as able to accommodate itself to the new circumstances as Great Britain. Whilst I cannot but think that every moderate statesman would deprecate such a change, which could hardly fail to increase the hazard of lamentable complications among the great maritime powers, I cannot see an escape from it, if a nation itself possessing a marine so numerous and extensively dispersed decides to lead the way.

Entertaining these views, it appears scarcely necessary for me to follow your lordship further in the examination of details of former precedents either in English or American history. I am happily relieved from any such necessity by learning the conclusions to which her Majesty's government have arrived. Understanding it to decline the proposal of arbitration, which I had the honor, under instructions, to present, in any form, for reasons assigned by your lordship, I nevertheless am happy to be informed that "her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war, which the two powers shall agree to refer to the commissioners."

I have taken measures to make known, at the earliest moment, this proposal to my government, and shall ask permission to await the return of instructions before giving a reply.

Disclaiming all authority to express in advance any opinion on the part of my government, I pray at the same time your lordship's attention to a single circumstance, which, without a previous agreement upon the great principles of international law involved in this controversy, may raise a difficulty in the way of accepting the proposal. At a first glance it would appear as if it were in substance identically the same with that long ago made by the Portuguese government to that of the United States. The essence of the answer returned in that case happens to have lately passed under your eye, since it is found incorporated in your lordship's note. I trust I cannot be suspected of a desire

to imply that in taking this step her Majesty's government could have sought to appear either as proposing, on the one hand, a measure which it foresaw must be declined, or, on the other, one which, if accepted, could be so accepted only at the risk of a charge of disavowing the views of constitutional or international law entertained by my government in former times. It may indeed be that in this view I may, after explanation, find that I have misconceived the nature of your lordship's proposal, or the view which my government will take of it, in which case I pray you to excuse the suggestion, and consider it as made without authority, and solely in the hope of eliciting such explanation.

I take great satisfaction in concluding this note by cordially responding to your lordship's request "to join with her Majesty's government in rejoicing that the war has ended without any rupture between two nations which ought to be connected by the closest bonds of amity."

I likewise receive with great pleasure your lordship's assurances that the efforts by which the government and Congress of my county have shaken off slavery "have the warmest sympathies of the people of these kingdoms."

If from painful observation in a service extended through four years I cannot, in candor, yield an entire assent to this statement, as applied to a large and too influential a portion of her Majesty's subjects; if it has been my misfortune to observe, in the process of so wonderful a revolution, a degree of coldness and apathy prevailing in many quarters from which my countrymen had every right to expect warm and earnest sympathy; if throughout this great trial, the severity of which few, not well versed in the nature of our institutions, could fully comprehend, the voice of encouragement from this side of the water has too often emitted a doubtful sound, I yet indulge the hope that the result arrived at will ultimately correct the hasty and harsh judgments that flowed from lack of faith and of confidence in our fidelity to a righteous cause. Of the friendly disposition in this regard of the members of her Majesty's government, and especially of your lordship, I have never permitted myself to doubt; and yet, in the midst of the gravest of our difficulties, I cannot forget that even your lordship was pleased, in an official published dispatch, to visit with the severity of your but too weighty censure the greatest political measure of the late lamented President—that which, in fact, opened the only practicable way to the final attainment of the glorious end. Under such circumstances I pray you not to be surprised if I am compelled not to disguise the belief that with my government, as among my countrymen at large, there is still left a strong sense of injured feeling, which only time and the hopes of a better understanding in future, held out by the conciliatory strain in your lordship's note, are likely to correct.

Recognizing most fully the justice and propriety of the joint policy marked out in your concluding sentence,

I have the honor to be, with the highest consideration, my lord, your most obedient, humble servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1551.] DEPARTMENT OF STATE,
Washington, September 27, 1865.

SIR: I have already acknowledged the receipt of your two dispatches of the 7th of September, 1865, No. 1042, and the 8th of the same month,

No. 1043, the former of which was accompanied by Earl Russell's elaborate answer of August 30, 1865, to your note addressed to him on the 20th of May. Both of your dispatches relate exclusively to that answer.

What I have now to remark, on the subject brought up before the President by the papers to which I have thus alluded, is written under his direction.

First. I sympathize with you in the satisfaction you express with an improvement in the respect of conciliation which is manifested by her Majesty's principal secretary for foreign affairs in the recent note by which he has returned to your suspended correspondence. The friendly spirit in which the instructions of this department have hitherto been given has undergone no change. It is eminently to be desired that the kind feelings and good wishes thus mutually expressed shall have their due influence upon the further discussion of the questions which the exciting events of the last four years have left unadjusted.

Second. It is observed that you have proposed to yourself to submit a reply to Earl Russell upon the subjects discussed in the correspondence of which his answer is a part, with a view to correct some singular misconceptions which are found in his narration of historical events. It is further observed that in executing this purpose it was your intention to leave entirely free for the consideration of this department the proposal for a joint convention which is now made by Earl Russell.

Your purposes, thus expressed, are approved. This department, in the dispatches to which you refer in your No. 917,* issued the more special instructions under which you formally opened the discussion. The country was then engaged in a civil war, in which the insurgents were receiving from subjects in Great Britain sympathies and aids of immense value, and from its government the benefits of a recognition as a lawful belligerent on land and sea. What was sought in the correspondence, thus instituted, was a relinquishment by British subjects of proceedings and practices directly aggressive upon the United States, together with redress for injuries of the same character which had then already been committed and had become intolerable.

At the time the correspondence began, it seems to have been believed and expected, not only by the British government and by the British nation, but even by all of the recognized statesmen of Europe, that our civil war must ultimately end in the dismemberment of the American Union. Earl Russell, as he says with frankness, purposely postponed a formal answer to *your* note until the 30th of August last, at which time the American Union had been rescued from all its dangers, and was found exercising its proper authority over all its national territories, no longer opposed by an enemy in any quarter of the world.

It is not said, nor is it supposed, that Earl Russell's views were unfriendly in delaying his answer until this happy change of affairs had occurred. Nevertheless, his government has had the advantage, whatever it was, of the delay which he thus made. On the other hand, this government may reasonably be expected to avail itself of the advantages, if any, which have resulted from the same change of circumstances.

In a note† of yours to Earl Russell, written so long ago as the 23d of October, 1863, in regard to the difficulties in our relations then developed, you remarked as follows: "I am directed to say there is no fair and equitable form of conventional arbitrament or reference to which they," the United States, "will not be willing to submit."

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* Dispatch No. 917, printed in Vol. I, p. 289.

† See page 180.

Earl Russell at this late day recalls the friendly remark thus incidentally made by you, and, manifestly treating it in the character of a formal proposition for arbitration still existing, if not newly tendered, states reasons why such a mode of adjustment would not be acceptable to her Britannic Majesty's government. You are authorized, therefore, to say, that whatever may have heretofore been or might now have been thought by us of umpirage between the two powers, no such proposition for arbitration of the existing differences will henceforward be insisted upon or submitted to by this government.

In disallowing our assumed proposition for arbitration, Earl Russell distinctly declares that her Majesty's government must decline either to make reparation or compensation for the captures which were made by the Alabama.

Nevertheless, Earl Russell announces that her Majesty's government are ready to consent to the appointment of a commission, to which should be referred all claims which have arisen during our civil war, and which the two powers should agree to refer to the commission.

Earl Russell is understood by us, in submitting this proposition, as implying, that among those claims which her Britannic Majesty's government would not agree to refer to such a joint commission are the claims heretofore presented in behalf of American citizens or others for redress and reparation in cases of captures and spoliations made by the Alabama, and other vessels of her class, including even the Shenandoah, now still engaged in the same work of depredation, which piratical vessels, as is alleged by the United States, were fitted out, manned. equipped, and dispatched by British subjects in British ports.

You are requested to inquire whether this construction of the earl's note is correct, and to ask his lordship to specify what class of claims her Majesty's government would consent to refer to such a commission as he proposes. Perhaps his lordship will specify what classes of claims her Majesty's government are willing to refer, and what classes they are not willing to refer.

Further instructions upon this subject will be reserved until we shall have received a copy of your reply to Earl Russell, together with the explanations, the request for which is now to be submitted by you in conformity with this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 1064.] LEGATION OF THE UNITED STATES,
London, October 12, 1865.

SIR: * * * * * * * *

There is nothing of material importance to notice in the events of the week. I transmit a copy of the Morning Post of yesterday, containing a leader on the subject of the claims for damages by the Alabama, &c. The author does not seem to have been aware of the late correspondence which must at the time of writing have been in print in the columns of the Gazette. I send forward a copy herewith. It appears in full this morning in the Times and News. I perceive that my letter

of the 18th of September appears marked as confidential, which is a mistake I cannot account for.

There is no leader on the subject in the Times. It will doubtless appear to-morrow, in which case I shall forward it with the others.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Morning Post of October 11, 1865.]

The threat so long held over our heads, that at the termination of the civil war in America the government at Washington would make us responsible for the depredations of the Alabama and her sister cruisers, is, it would seem, on the point of being realized. Mr. Seward, we are now informed, has called upon all persons who have suffered losses by the confederates, either on sea or land, to send in their claims to the government, in order that, in those cases in which the British government is considered to be responsible, they may be presented to it for settlement. What these claims may be, to what they may extend, and on what grounds they may be made to rest, it is, of course, impossible for us to conjecture; but foremost among them will, no doubt, be found such claims for compensation as may be advanced by those American merchants and ship-owners whose cargoes and vessels were taken and destroyed by Captain Semmes and the other commanders of the few privateers which were enabled to hoist the flag of the southern confederacy. Of the manner in which such a demand, if advanced by the American government, will be received by the English cabinet, it is needless to speak. The subject has already been brought indirectly under the notice of her Majesty's advisers by the American minister resident in London; and, so far as they were called upon to do it, they repudiated all responsibility for the depredations of the confederate cruisers. The diplomatic correspondence which passed on the subject was published before the dissolution of Parliament; and that portion which issued from the English Foreign Office gave it plainly to be understood that her Majesty's government had done everything in its power to prevent an infraction of the laws of neutrality, and that, having done so, it could not hold itself responsible for injuries inflicted on American commerce which the federal government in its belligerent character was unable to prevent. There the matter was for the time permitted to stand; but now, if we are not misinformed, the advisers of the American President are about to make a specific demand on England to compensate their fellow-citizens for the losses which they have sustained at the hands of cruisers which, it is urged, would never, but for English connivance, have made their appearance on the high seas.

It is unnecessary now to recur with much particularity to the circumstances under which the Alabama, Florida, and some other confederate privateers left these shores, and, under the command of able and daring men, harassed and seriously damaged the federal mercantile marine. But the result of the protracted legal proceedings to which the sequestration of the Alexandra gave rise serves to furnish a tolerably correct estimate of the value of the supposed means which the English government had at its disposal of preventing those consequences of which the

American nation so bitterly complained. The charge advanced against us was that we knowingly permitted vessels of war to be equipped in our ports for the purpose of preying on American commerce; that such vessels sailed from our shores manned chiefly by English crews, and that, without even having wet their keels in confederate waters, these cruisers hoisted the confederate colors, assumed to be confederate vessels of war, and forthwith commenced an onslaught on the merchant shipping of the federal States. They were consequently, it is contended, English vessels, and as such the English government is bound to make good the losses which they have inflicted on the citizens of the American government. The obvious answer to this is, as we have already observed, supplied in the futility of the proceedings instituted by the British government to obtain the confiscation of the Alexandra. The Alexandra and the Alabama, before the departure of the latter from the Mersey, stood in precisely the same position. In both vessels preparations had been made for immediate conversion into ships of war, but in both one sought in vain for any article of military equipment. There were ports through which guns might be made to peep; the sides of both were constructed of exceptional strength; in both there existed a fireproof compartment, which was easily convertible into a magazine; and both, judging from their appearance, were better suited for hostile than for peaceful purposes. But it was laid down by the chief baron, when summing up to the jury in the case of the Alexandra, that the law had not been violated in respect to that vessel at the time of the seizure, and it was also intimated that, even if the government had seized the Alabama on the morning of her departure, there would have been the same difficulty in establishing a violation of the foreign enlistment act by those who aided in the building of that vessel. The Alabama, as our readers may recollect, left these shores without arms or warlike equipment of any kind, and took on board her armament in Portuguese waters. No offense, it was therefore stated by the chief baron, had been committed in this country, and nothing had taken place to justify any intervention on the part of the government. On appeal to the full court its members were equally divided on the accuracy or otherwise of the chief baron's ruling; but owing to some legal difficulties, which it is unnecessary now to specify, the appeal could not be carried to a higher tribunal.

As the law stands, therefore, it is clear that, unless by the exercise of powers which would have been illegal, the British government could not have prevented the departure of the Alabama from the port of Liverpool. But, dismissing the purely legal aspect of the case, the entire conduct of the government proved that her Majesty's advisers were most anxious to prevent the ports being converted into building yards for privateers destined to make war upon a friendly power. If anything, they endeavored to strain the foreign enlistment act, in order to prevent the slightest imputation being cast upon their neutrality. But having done all this, it would be perfectly preposterous if the American government should urge that because vessels built in English ports had been employed against them, the English government should therefore be called on to indemnify America for the losses thereby sustained. On the assumption that England would be responsible for those losses, it would clearly have been the duty of the British government to have employed its navy for the purpose of capturing or destroying privateers which were every day adding items to a bill which England would be bound to pay; but as the government did not adopt this course, it is evident that they repudiated their liability from the commencement.

Notwithstanding the statement which has appeared in the New York papers, we conceive that Mr. Seward will not venture to address to us a demand with which he must know compliance would be refused. It is scarcely likely that her Majesty's advisers would stultify themselves by acknowledging now a liability which they have hitherto repudiated; and it is certain that the nation would unanimously protest against a concession which would derogate from the national dignity, while it would impose on the tax-payers of this country an unmerited penalty.

[Correspondence referred to is hereinbefore printed.]

Mr. Adams to Mr. Seward.

[Extract.]

No. 1066.] LEGATION OF THE UNITED STATES,
London, October 14, 1865.

SIR: * * * * * * *

I seize the opportunity to send you also a copy of the Times, which contains what is clearly an official correction of the version made in the leading article of the day before of Lord Russell's proposal of a commission. It now appears as if this government gravely proposes this commission should be raised to deliberate upon trifling British claims, while it excludes beforehand the only important ones on the part of the United States to which the war has given rise. The only suitable answer to such a proposition would seem to be, all or none.

The newspapers are filled with discussions of the correspondence. The argument which has evidently made the deepest impression is that drawn from the possible consequences to British commerce of the establishment of this precedent.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times of October 14, 1865.]

England and America.

In order to guard against any misunderstanding, we are requested to re-state that the proposal of Earl Russell to the American government was conveyed in the following words: "Her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war *which the two powers shall agree to refer to the commissioners.*" These concluding words limit the subject of reference, since it would be inconsistent with the position taken up by her Majesty's government, and with the arguments which induced it to decline arbitration, to permit the claims for losses by the Alabama and other vessels of the same character to be brought before a commission for decision. It must be understood, therefore, that if any such commission were agreed on, those cases would be excluded from its jurisdiction.

Mr. Adams to Mr. Seward.

No. 1067.] LEGATION OF THE UNITED STATES,
London, October 19, 1865.

SIR: I have to acknowledge the reception of dispatches from the department numbered from 1551 to 1556, both inclusive.

The most important of these is No. 1551, of the 27th of September, being in reply to Lord Russell's note to me of the 30th of August. Immediately after receiving it I set about preparing a note to his lordship, framed as much as possible on your language. It was finished just as I received a note from him which must have been drawn out by reason of the doubts expressed here of his real meaning. As it seemed to supersede the necessity of the first inquiry you directed me to make, I at once modified the form of my note to suit it. Copies of the two notes are herewith submitted.

The discussion of the printed correspondence is still carried on with much earnestness. "Historicus" appears twice in the Times, but not with the vigor which formerly marked his papers. The substance of his second letter is sufficiently answered by a writer who signs himself C., in the News. It is impossible not to believe that the government was precipitated into the act of recognition by its thorough conviction that the separation was complete. They were not roused from the delusion until my conversation with Lord Russell on the 18th of May, in which I communicated to him the substance of your first instructions, opened his eyes to the consequences of running too fast in that path. The verbal understanding with Mr. Dallas had been entirely forgotten. But it was too late to retreat. The pride of opinion, so strong in the national character, was then too fully enlisted to permit of any change of policy. Besides which, the current of sympathy running in the higher classes, and especially in both houses of Parliament, was not to be stemmed by a ministry which never had much strength to sustain it.

In one of the numbers of the Times, which I transmit, will also be found a leader indicating another change of position, probably demanded by the development of opinion. The first leader was timid, doubtful, and leaning to the acceptance of the proposal of a commission designed to embrace all the disputed claims. This brought on the necessity of a semi-official correction as to the nature of that proposal. It is now followed by an argument in the other extreme, which throws all further discussion out of court. This has been very properly noticed in a leader of the News of this morning, a copy of which is also forwarded.

It is very plain that the matter cannot rest here. The dilemma is an extremely painful one, and no progress appears to be making towards relief. The lapse of time will not contribute to make the case better. We can afford to await the course of events in Europe much more safely than this government.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For articles of "Historicus" referred to, see General Appendix, No. 12.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 14, 1865.

SIR: I have thought it best to wait for the answer to the reference you have made to your government before replying to your last letter. But I observe that you have not clearly understood my proposal for the appointment of a commission.

That proposal is made in the following terms: "Her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war *which the two powers shall agree to refer to the commission.*"

There are, I conceive, many claims upon which the two powers would agree that they were fair subjects of investigation before commissioners.

But I think you must preceive that if the United States government were to propose to refer claims arising out of the captures made by the Alabama and Shenandoah to the commissioners, the answer of her Majesty's government must be in consistency with the whole argument I have maintained in conformity with the views entertained by your government in former times.

I should be obliged, in answer to such a proposal, to say: "For any acts of her Majesty's subjects committed out of their jurisdiction and beyond their control, the government of her Majesty is not responsible."

I should say, further, that the appointment of a commission for such purpose would not be consistent with any practice usual among civilized nations, and that it is a principle well known and well understood, that no nation is responsible for the acts of its citizens committed without its jurisdiction, and out of the reach of its control.

I should have cleared up this point before, but I thought the words, "which the two powers shall agree to refer to the commissioners," would put an end to any doubt upon the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 17, 1865.

MY LORD: I have the honor to acknowledge the reception of your note of the 14th instant, explanatory of some portions of a preceding one, dated the 30th of August last.

This has reached me just in season to enable me to dispense with the necessity of soliciting precisely that information; for although the government which I have the honor to represent had already understood your lordship's note as substantially in the same sense, it has instructed me to ask the confirmation of it which has now been supplied.

I am now directed to inform your lordship that the contents of your note of August 30 have received the most careful consideration.

With regard to the reference which you were pleased to make to a friendly remark contained in the note which I had the honor to address to your lordship on the 23d of October, 1863, apparently considering it in the light of a formal proposal for arbitration, I am now desired, in

view of the reasons given by your lordship why such a mode of adjustment would not be acceptable to her Majesty's government, to state that whatever may have heretofore been, or might now be, thought by the President of umpirage between the two powers, no proposition of that kind, for the settlement of existing differences, will henceforward be insisted upon or submitted on the part of my government.

The proposal of some form of commission, made by your lordship, still remains under consideration. To the end that my government may be the better enabled to make a satisfactory reply to it, I am still under the necessity of soliciting more information in regard to the precise nature of the claims which her Majesty's government is disposed to agree to consider. I am instructed to venture so far as to ask the favor of your lordship to distinguish, as well what among the classes of claims it is willing, and what it would not be willing, to refer to the proposed commission.

I pray your lordship accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1072.] LEGATION OF THE UNITED STATES,
London, October 20, 1865.

SIR: I have the honor to transmit to you a copy of a note received last evening from Lord Russell, in answer to my inquiry of the 17th instant, based on your instructions in dispatch No. 1551, of the 27th of September.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 19, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, requesting to be informed of the precise nature of the claims which her Majesty's government would be willing to refer to a commission, and I have to state to you, in reply, that the information you request may take some time in preparation; but her Majesty's government will furnish it as soon as they can consistently with the importance of the question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 1580.] DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: I have to acknowledge your two dispatches, one of the 19th October, No. 1067, and the other of the 20th of October, No. 1072. Previously to the receipt of these dispatches your closing argument on the subjects of the claims of this government against her Majesty's government, growing out of the depredations of the Alabama and kindred vessels upon American commerce, had been submitted to the President, and considered by him with careful attention. I have now to inform you that this government commends and approves that elaborate argument, and consequently you are authorized to state that the United States respectfully adhere to the claims upon which you have thus insisted.

I also approve of your note to Earl Russell of the 17th October, in which you informed his lordship that henceforward no proposition of arbitration upon the class of claims before referred to will be insisted upon or submitted by this government. I approve also of your proceeding in asking Earl Russell to explain and distinguish as well what, among the classes of claims existing between the two governments, her Majesty's government is willing to refer to such a joint commission as that government has proposed, as also what classes it is not willing so to refer.

Your application in that respect was made in exact conformity with my instructions No. 1551. It is observed, however, that the necessity for the application had in the mean time been removed by a note written by Earl Russell to you on the 15th October, a copy of which is appended to your No. 1067. In that note his lordship, as we anticipated, has now informed us that our claims for depredations committed by the Alabama and kindred vessels upon our commerce fall within the class of claims in regard to which her Majesty's government are not prepared to consent to a reference to such a joint commission as they proposed.

Adhering, as this government does, to the opinion that our claims of that class are just and reasonable, it has now no occasion to delay giving an answer to the earl's proposition. You will therefore inform his lordship that that proposition of her Majesty's government for the creating of a joint commission is respectfully declined.

In view of the actual condition of the correspondence between the two countries, no explanation of the reasons for the decision is believed to be necessary. You will, however, exercise your discretion upon this point.

Of course you will not be inattentive to any temporary inconvenience under which the ministry may be laboring in consequence of the death of the distinguished minister who has so long presided in the cabinet.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1081.] LEGATION OF THE UNITED STATES,
London, November 9, 1865.

SIR: I transmit herewith a copy of the last note addressed to me by Lord Russell, as foreign secretary, being his reply to mine of the 18th

of September, respecting the claims for idemnity for the depredations of cruisers fitted out in this kingdom; also printed copies of two memoranda which came in the same cover with it.

I shall not be able to get a copy of my note to Lord Clarendon in rejoinder ready for the steamer this week. It will, however, follow in the next. I trust that it puts an end to all further attempts to cite American precedents in justification of any of the late British proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 2,* 1865.

SIR: Her Majesty's government have duly considered your letter of the 18th of September, and, however unwilling I may be to prolong this discussion, I find it absolutely necessary to clear up some misconceptions as to the course and conduct of Great Britain during the recent contest in America.

I do not consider it incumbent upon me, however, to repeat or enlarge upon my arguments in reference to the alleged precipitate recognition of belligerent rights, or the contrast you draw between the conduct of her Majesty's government in the late civil war and that of France during the American war of independence.

The existence of belligerent rights is, Mr. Canning said, a question of fact rather than of opinion; and if the fact of a vast insurrection is developed suddenly, rapidly, and completely, the case must, I conceive, be treated by other nations in a different manner from the case of a rebellion breaking out partially, slowly, and gradually. Nor do I conceive it is necessary to point out the difference between the conduct of France, acknowledging the United States of America as an independent state, and forming treaties with the government of that State within two years of the declaration of independence, and the patient neutrality of Great Britain, notwithstanding the interruption of her commerce and the immense losses suffered by her people during four years, and until victory had declared in favor of the government against which the insurrection was directed. I cannot forbear, however, to express some surprise at the apparent confidence you express that her Majesty's government will acquiesce in a doctrine which the United States during more than thirty years declared to be opposed to the law and practice of nations, and that her Majesty's government will grant reparation on grounds which, when urged by Portugal in a similar case, the United States positively, constantly, and solemnly rejected.

Thus I find that in November, 1850, the Portuguese minister at Washington† in an able summary of the Portuguese claims, after relating that upwards of sixty Portuguese vessels had been captured or plundered; that the fitting out at Baltimore of the privateers which effected their capture was notorious; and that many leading citizens of Balti-

* In British publications this dispatch is dated the 3d of November.

† The Portuguese minister at Washington to the Secretary of State, November 7, 1850.

more, including the sheriff and postmaster, were summoned before the courts as interested in those privateers, adds:

"The undersigned begs leave to say, and he submits, that it was the duty of the United States government to exercise a reasonable degree of diligence to prevent these proceedings of its citizens, and that having failed to do so, a just claim exists on the part of the government of Portugal, in behalf of its despoiled subjects, against the United States for the amount of the losses sustained by reason thereof."

But did the United States admit the claim thus courteously preferred? I cannot find that even any reply was returned to the Portuguese minister.

Probably the United States government relied on the answers which, from 1816 to 1822, and from 1822 to 1828, had been given to the ministers of Portugal.

These answers were, in substance, that prosecutions would be instituted if evidence were forthcoming. Thus, in reply to a letter of the Portuguese minister of December 11, 1818, respecting John Daniels, the supposed commander of a privateer, Mr. John Quincy Adams says:*

"The attorney of the United States for the district of Maryland, under instructions from this department, will commence a prosecution against him, *if evidence shall appear sufficient for convicting him of having violated the laws of the United States, by outrages committed upon any of the subjects of Portugal.*

"I have the honor of giving you this notice in reference to your letter above mentioned, and of requesting you to give directions that any testimony which may be material for the commencement of a prosecution, and which it may be in your power to indicate, may be made known to Elias Glenn, the district attorney of the United States at Baltimore, who is directed to prosecute conformably to the laws any persons *against whom the evidence obtainable shall be sufficient to warrant his conviction.*

Exactly similar to this conduct, on the part of your government, has been the conduct of her Majesty's government in the late war. In the case of the Alabama I asked for evidence sufficient to obtain a verdict, and as I could not myself judge of the sufficiency of the evidence you tendered, I referred the question to the law officers of the Crown.

If it is asserted that I did not use reasonable diligence, or that the late or the present attorney general were either ignorant of the law, or purposely misstated it, I can only respectfully but decidedly repel any such charge, both for myself and for the law officers of the Crown.

Yet, although our conduct has been precisely similar to that of your own government to Portugal, you now draw an alarming picture of the consequences which may arise from such conduct, for you say, "If it be once fairly established as a principle of the international code that a neutral power is the sole judge of the degree to which it has done its duty, under a code of its own making, for the prevention of gross and flagrant outrages initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects, and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it has attempted as an excuse, and thenceforward claim with justice to be released from the inevitable consequences that must ensue from its

* The Secretary of State to the Portuguese minister at Washington, April 22, 1819.

inaction, then it must surely follow that the only competition between neutral powers hereafter will be, not which shall do the most, but which shall do the least to fulfill its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts that take place between belligerents on the ocean."

Yet, as far as I can judge, your Secretaries of State always maintained that the United States, as a neutral power, were "the sole judges of the degree in which it had done its duty under a code of its own making."

But now, as to the code, I fully admit that the laws of Congress of 1817 and 1818 differ from the act of 1794. The chief difference appears to me to lie in the provision that, besides princes and states specified in the act of 1794, the act of 1818 extends to colony, district, or people.

But so does, in other words, our act of 1819. There are other differences, however, and to those I suppose you allude.

But for the reasons which I proceed to state, those other differences (of which I did not lose sight while stating in my former letter that the main provisions of the act of Congress of 1818 had been adopted in our legislation of 1819, so far as they were considered applicable to the circumstances of this country) have never appeared to her Majesty's government to be of any very material importance.

The tenth section of the act of Congress of April 20, 1818, requires bonds to be given "*by the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof*," in double the value of the ship and cargo, against the employment of such ship or vessel "*by such owners*," to cruise or commit hostilities against the subjects, &c., of any province or state with whom the United States are at peace.

The eleventh section is in these words: "And be it further enacted that the collectors of the customs be, and they are hereby, respectively authorized and required to detain any vessel, *manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war*, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act."

Now I contend, first, that for ten years these provisions proved utterly inefficacious to prevent the fitting out of privateers at Baltimore, as shown by the fact that the complaints of the Portuguese ministers of captures and plundering by American privateers were more frequent, and extended to a larger amount of property, after 1818 than they had done from 1816 to 1818.

But, secondly, I observe that the tenth section applies only to vessels which are already armed before they sail out of the ports of the United States, and which belong (wholly or in part) to United States citizens; and the security taken under this section is only against their employment "by such owners" to cruise, &c., leaving those owners at liberty, without forfeiting their bonds, to transfer the vessels to others who might afterwards so employ them.

The eleventh section applies only to vessels "manifestly built for warlike purposes, and of which the cargo shall principally consist of

arms and munitions of war;" and I think it is quite clear that had we so amended our law, and had it been found applicable in any cases, the owners of the vessels might easily have given the bonds required, and might as easily have sent their vessels to sea, forfeiting (or not forfeiting, as the event might have turned out) the amount of their bonds. The great armies equipped and fed by the confederates—their vast magazines—the money advanced for the Birkenhead rams, show conclusively that if her Majesty's government had relied on such provisions as the tenth and eleventh sections of the act of Congress, many vessels, probably including the rams at Birkenhead, would have escaped and have been employed in breaking the blockade of Charleston and other southern ports. Be that as it may, however, these provisions of the act of Congress clearly would not be applicable to the Alabama, Florida, Georgia, Shenandoah, and vessels of that class, none of which, when they left this country, were either "armed ships or vessels," or had on board any cargo consisting "principally" (or at all) "of arms and munitions of war," neither would they have been applicable to the ships which carried out arms, &c., to those vessels, but which were themselves neither armed nor "intended to be employed by the owner or owners to cruise or commit hostilities."

If, therefore, such provisions had been contained in the British statute, they would have proved simply nugatory, and would have added nothing, in any of the cases which have actually happened, to the powers of prevention given by the act as it stands. In that case, what would have been our position? We should have been reproached more than ever in America for the insincerity of our proceeding, and our inactivity in executing our own law. Results would have been appealed to, as you appeal to them in the letter to which I am now giving an answer.

In the case of the "Birkenhead rams," we had first the evidence in their construction itself, that they were built for warlike purposes; next, a copy of the contract by which Mr. Bullock, the confederate agent, agreed to sell these vessels to Mr. Bravay; next, the proof that their Egyptian names, &c., were only a fiction, the Viceroy of Egypt having positively refused to buy them.

These and other circumstances amounted to a presumptive proof that those formidable vessels were intended for the purpose of making war on the United States; and you are already aware of the conduct of the government when they had, as in this instance, a case upon which they could proceed.

On the other side, take the case of the Sea King. She was a merchant ship, unarmed, which went from the Thames to a foreign port. Our foreign enlistment act, like yours, requires two things to be proved: first, that the vessel is fitted out, armed or equipped for warlike purposes; but secondly, it is not enough to prove that the vessel is fitted out, armed or equipped for purposes of war. The warlike intent must be directed against some prince or state in friendly relations with the Crown of Great Britain. Now, on neither of these points did you furnish us, nor did we possess, a tittle of evidence against the Sea King, yet you hold us responsible for all the depredations she may have committed on the high seas.

It must not be forgotten, that in a free country the Crown cannot act upon mere vague suspicion, without some evidence to submit to a jury; and that trial by jury affords to British subjects the same protection which, in an ordinary state of peace, American citizens enjoy in your own country.

Her Majesty's government desires to be on the most friendly terms

with the United States, but are not prepared to accede to any demand which aims at the diminution of our freedom, or which assumes (without warrant from any previously recognized authority or practice) the existence of an extent of obligation on the part of neutrals towards belligerents, going beyond any which the government of a free country could have power, though acting with entire good faith, punctually to fulfill.

Yet it appears to me, I confess, that as neither the law of the United States nor our own foreign enlistment act have proved upon trial completely efficacious, it is worth consideration whether improvements may not be made in the statutes of both nations, so that for the future each government may have in its own territory as much security as our free institutions will permit against those who act in defiance of the intention of the sovereign, and evade the letter of its laws.

I have the honor to inclose a memorandum in regard to our own conduct during the American war in reference to a passage in your letter, (inclosure No. 1,) and a second memorandum, showing in what manner your various complaints during the recent civil war have been disposed of, (inclosure No. 2.)

I have in conclusion only to repeat, in this the last letter which I shall have the honor to address to you on this subject, my sincere and earnest hopes that our two countries, now both relieved from the stain and guilt of slavery, may perform their part in the world in peace and good will.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Inclosure No. 1.]

Memorandum relative to the measures of coercion adopted by Great Britain during her contest with the North American Colonies; and also regarding the policy of foreign powers.

[Extract from letter from Mr. Adams to Earl Russell of September 18, 1865.]

"In respect to this, may I be permitted to beg your attention to the fact that, with perhaps the exception of the gross number of the people engaged, I do think myself able to furnish an example of an insurrection in every particular corresponding to your description, which has occurred within the last century. I do not doubt that my allusion will at once be understood by your lordship without another word.

"Yet notwithstanding all the points of identity in that case, I cannot find that her Majesty's government was met at the outset, in 1774, with any announcement, by a foreign power in amity with Great Britain, of a necessity immediately to recognize the insurgents as a belligerent power because of the magnitude of the struggle, or for any other cause. Neither is there the smallest ground for believing that it would have tolerated the proceeding for one moment, if it had been.

"Her Majesty's government at once resorted, without scruple or hesitation, to every right ordinarily exercised by a belligerent in a war with a strong power, and was met with a degree of resistance more effective and enduring than any manifested in the late struggle. That resistance, too, was carried out on the ocean, where alone the interests of distant neutral states are liable to be seriously affected by the domestic

strife of any nation, in a manner far more extensive than the late insurgents by their unaided efforts ever could have attempted. Yet a length of time elapsed before any foreign power, however much inclined, ventured to find in this state of things any reason for considering the people waging such a war as a belligerent power. It furthermore is certain, that if at any time the smallest indication of a leaning that way manifested itself in any of the commercial powers, it was immediately noted by the British government for remonstrance and reclamation.

"Your lordship has been pleased to review the conduct of France in this emergency; and to endeavor to set aside the parallel which I attempted in my note, on the ground that that country was animated by a policy decidedly hostile to Great Britain. The fact is doubtless so. But it so happens that this only bears with the more force in my favor on the present argument. Had France, being inclined to injure Great Britain, decided to recognize the insurgents as a belligerent, it would, according to the doctrine now avowed by her Majesty's government, have been doing no more than was absolutely necessary and altogether justifiable. Why did it not take this step at once? Unhappily for the example, Great Britain at the outset insisted upon considering her as a friendly power, and called upon her solemnly to desist from any attempt whatever to recognize the presence of the insurgent force. In proof of this, I beg permission to quote a brief extract from a historical writer well known to have drawn his statements from official sources. Mr. Adolphus says, that in April, 1775, that is one year after the outbreak of the insurrection, 'the friendly disposition of the French government towards Great Britain has been unequivocally demonstrated; and the expectation that succor would be afforded to the Americans was suppressed by an edict prohibiting all intercourse with them.'

"It thus appears that no idea was at that early period entertained by the British authorities of any unfriendly disposition on the part of France. So far from being inclined, as your lordship supposes it might have been, to give aid to the insurrection, which since 1774 had been developing its great proportions, by any recognition of it as a belligerent, the French sovereign frankly responded to an appeal made by Great Britain by interdicting his people from all relations whatever with the Americans. In other words, the example shows that, on both sides, there was not the remotest conception that a recognition of insurgents as a belligerent, immediately upon the breaking out of the insurrection, could be considered as a justifiable act on the part of a friendly power."

In March, 1774, news arrived in England of the destruction, on the 18th December, 1773, of the tea contained in the ships lying in Boston harbor. This intelligence occasioned a message from the Throne to both houses of Parliament, in which they were informed that in consequence of the unwarrantable practices carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston with a view of obstructing the commerce of this kingdom, and upon grounds and pretenses immediately subversive of its constitution, it was thought fit to lay the whole matter before Parliament, fully confiding, as well in their zeal for the maintenance of his Majesty's authority as in their attachment to the common interest and welfare of all his dominions, that they would not only enable him effectually to take such *measures* as might most likely put an immediate stop to those disorders, but would also take into their most serious consideration what further regulations and permanent provisions might be necessary to establish, for better securing the execution of the laws, and the

just dependence of the colonies upon the Crown and Parliament of Great Britain.

The first measure of coercion adopted by the government was by the authority of an act of Parliament, which received the royal assent on the 31st of March, 1774. By this act the government was empowered to withdraw from the town and port of Boston all officers concerned in the collection of customs, "and to discontinue the landing and discharging, lading and shipping of goods, wares, and merchandise, at the said town of Boston, or within the harbor thereof."

This measure was shortly followed by the passing of a further act (11th May, 1774) "for the better regulating the government in the province of Massachusetts Bay." The intention of the act was to alter the constitution of that province as it stood upon the charter of King William; to take the whole executive power out of the hands of the democratic party, and to vest the nomination of counsellors, judges, and magistrates of all kinds, including sheriffs, in the Crown, and in some cases in the King's governor, and all to be removable at the pleasure of the Crown.

On the 6th of May, 1774, "A bill for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the laws, or for the suppression of riots and tumults in the province of Massachusetts Bay, in New England," passed the House of Commons.

The first of these acts, regarding trade with the town and harbor of Boston, virtually prohibited trade with that port, one of the clauses enacting—

"That if any ship or vessel shall be moored or lie at anchor, or be seen hovering within the bay, or within one league from the said bay, it shall and may be lawful for any admiral, chief, commander, &c., of his Majesty's fleet or ships of war, or for any officer of his Majesty's customs, to *compel such ship or vessel to depart to some other port, or to such station as the officer shall appoint, and to use such force for that purpose as shall be found necessary; and if such* ship or vessel shall not depart within six hours after notice for that purpose given, such ship or vessel, with all the goods laden on board, and all the guns, tackle, and furniture, shall be forfeited, whether bulks shall have been broken or not."

Contrary to the expectations of the British government these measures tended only to the adoption of a determined and united feeling of resistance on the part of the colonists. On the 13th May, 1774, General Gage arrived at Boston to administer the province of Massachusetts Bay. On the arrival of the Boston port bill public meetings were held in the various colonies, which subsequently led to an agreement being framed by the committee of correspondence at Boston, entitled a solemn league and covenant, wherein the subscribers bound themselves in the most solemn manner, and in the presence of God, to suspend all commercial intercourse with Great Britain from the last day of the ensuing month of August until the Boston port bill and the other late obnoxious laws were repealed, and the colony of Massachusetts Bay fully restored to its chartered rights. This agreement led to the issue of a proclamation by General Gage, in which it was styled an "unlawful, hostile, and traitorous combination, contrary to the allegiance due to the King," &c.

Measures were also adopted by the colonists for holding a general Congress at Philadelphia, which was opened on the 5th September, 1774, the first public act of which was a declaratory resolution expressive of their disposition with respect to the colony of Massachusetts Bay, and immediately intended to confirm and encourage that people,

and to approve of the wisdom and fortitude with which their opposition to the measures adopted by government had hitherto been conducted.

On the 30th November, 1774, a new Parliament met in Great Britain, and in the speech from the throne the two houses were informed that a most daring spirit of resistance and disobedience to the law still existed in the province of Massachusetts Bay, and had in divers parts of it broke forth in fresh violences of a very criminal nature; that these proceedings had been countenanced and encouraged in others of the colonies, and unwarrantable attempts made to obstruct the commerce of this kingdom.

On the 9th February, 1775, a humble address was presented to the King by Parliament, in reply to the royal speech.

In this address the Parliament stated that "we have taken them (the papers relating to American affairs) into our most serious consideration, and we find that a part of your Majesty's subjects in the province of Massachusetts Bay have proceeded so far as to resist the authority of the supreme legislature; that a *rebellion* at the time actually existed within the said province; and that they saw, with the utmost concern, that they had been countenanced and encouraged by unlawful combinations and engagements entered into by his Majesty's subjects in several of the other colonies. * * * * * * We can never," continued the address, "so far desert the trust reposed in us as to relinquish any part of the sovereign authority over all your Majesty's dominions which, by law, is vested in your Majesty and the two houses of Parliament; and the conduct of many persons in several of the colonies during the late disturbances is alone sufficient to convince us how necessary this power is for the protection of the lives and fortunes of your Majesty's subjects. * * * * * * At the same time we consider it as our indispensable duty humbly to beseech your Majesty that you will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and we beg leave, in the most solemn manner, to assure your Majesty that it is our fixed resolution, at the hazard of our lives and properties, to stand by your Majesty against all rebellious attempts in the maintenance of the just rights of your Majesty and the two houses of Parliament."

In consequence of this address, military preparations were made to coerce the colonists; and on the 10th February, 1775, a bill was also introduced into Parliament, and after a long debate received the royal assent, on the 30th March, 1775, (15 Geo. III, cap. 10.) The title of the act was, "An act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut, &c., in North America, to Great Britain, Ireland, and the British islands in the West Indies, &c."

The minister, in proposing the bill, stated that he supported it on the grounds that, as the Americans had refused to trade with Great Britain, it was but just that Great Britain should not suffer them to trade with any other nation. By a further act these restrictions were extended to several other colonies in North America which had been omitted in the first act.

By the terms of this act, all vessels trading with the colonies were to be furnished with certificates, without which they were liable to seizure by British ships of war and officers of the customs.

On the 20th of May, 1775, articles of confederation and perpetual union were entered into by the delegates of the several colonies of New Hampshire, Massachusetts, &c. A resolution was at the same time

passed, that after the expiration of six months (from the 20th July, 1775) all the ports of the said colonies were declared to be thenceforth open to the ships of every state in Europe that would admit and protect the commerce of the colonies.*

Although by the above articles the colonists usurped the rights of sovereignty with regard to peace and war, the entering into alliances, the appointment of civil and military officers, &c., still their connection with Great Britain was maintained, and no *de facto* independent government was established.

On the 12th June, 1775, General Gage issued a proclamation, by which a pardon was offered in the King's name to all those who should forthwith lay down their arms, threatening the treatment of rebels and traitors to all those who did not accept the proffered pardon. This proclamation was looked upon as the preliminary to immediate action, and on the 17th June hostilities commenced between the colonists and royal troops in the neighborhood of Charlestown.

In July, 1775, the confederacy assumed the appellation of the *Thirteen United Colonies*, and General Washington was appointed to the command of the army of the confederation. Hostilities were carried on not only in the colonies, but Canada was also invaded by the colonial forces.

The first act of the Congress for the formation of a navy was promulgated on the 13th October, 1775, when two vessels were ordered to be armed, and on the 30th of the same month two more armed vessels were ordered to be fitted for sea. On the 25th November, 1775, resolutions were passed, directing seizures and capture under commissions obtained from the Congress, together with the condemnation of British vessels *employed in a hostile manner* against the colonies; the mode of trial and of condemnation was pointed out, and the shares of the prizes were apportioned. On the 28th November, 1775, Congress adopted rules for the regulation of the navy of the United Colonies. On the 13th December, a report was sanctioned for fitting out a naval armament, to consist in the whole of thirteen ships. On the 22d December, officers were appointed to command the armed vessels.

On the 6th January, 1776, a regulation was adopted relative to the division of prizes and prize money taken by armed vessels.

On the 23d March, 1776, resolutions were adopted authorizing the fitting out of *private armed vessels*, to cruise against the enemies of the United Colonies.

On the 2d April, 1776, the form of a commission for private armed vessels was agreed upon, and on the 3d April, instructions to the commanders of private armed vessels were considered and adopted. *They authorized the capture of all ships and other vessels belonging to the inhabitants of Great Britain* on the high seas, or between high-water and low-water marks, except vessels bringing persons who intended to reside and settle in the United Colonies.

The whole of these laws were promulgated previously to the final Declaration of Independence issued on the 4th July, 1776.

In the mean time the different powers of Europe, notwithstanding their declarations of neutrality in the conflict between Great Britain and her colonies, more particularly France, Spain, and Holland, almost openly expressed their sympathy with the cause of colonists, and aided them with arms and money, and allowed the fitting out of ships, the re-

* The trade of the British colonies, at this period, was carried on solely by British and colonial shipping.

pairs and armaments of privateers in their ports, even previously to the receipt of the Declaration of Independence of the colonies, signed on the 4th July, 1776; the letter from the American committee of secret correspondence to Mr. Silas Deane, their agent in Paris, inclosing the declaration of independency, with instructions to make it known to the powers of Europe, not being received until the 7th of November, 1776.

In March, 1776, Mr. S. Deane had been sent to France by the committee of secret correspondence of America* with instructions to communicate, in the character of a merchant, with M. de Vergennes, the French minister for foreign affairs, and to procure through the assistance of that government a supply of clothing and arms for 25,000 men. Mr. Deane was provided with letters of introduction addressed to various French subjects interested in the success of the colonists. Already, previously to the arrival of Mr. Deane, the French minister for foreign affairs had obtained authority from the King to furnish "un million de livres pour le service des colonies Anglaises." A. M. de Beaumarchais was secretly charged with the disposal of this money for the benefit of the colonies.

The following particulars regarding the movements of the American ships of war subsequently to the Declaration of Independence of the colonies have been obtained principally from the "History of the United States Navy," by Fenimore Cooper, the authenticity of which is, however, sufficiently borne out on reference to the official correspondence of that period.

The Reprisal was the first American man-of-war that ever showed herself in Europe. She quitted America not long after the Declaration of Independence, and appeared in France in the autumn of 1776, bringing in with her *several English prizes*. A few privateers had preceded her, and slight difficulties had occurred in relation to some of their prizes† that had gone into Spain; but it is believed that these were the first English captured ships that had entered France since the commencement of the American Revolution. The English ambassador complained of this infraction of the treaty between the two countries, but means were found to dispose of the prizes without detection. The Reprisal having refitted, soon sailed toward the bay of Biscay on another cruise. Here she took several English vessels, and among the rest a King's packet that plied between Falmouth and Lisbon. When the cruise was terminated, Captain Wickes went into Nantes, taking his prizes with him. This proceeding caused further representations to be made by the British ambassador, which resulted in the prizes being ordered to quit France. The Reprisal, however, was allowed to remain, in consequence of her leaky state. The prizes were taken into the offing and sold to French purchasers.

In April, 1777, the Lexington arrived, and the old difficulties were renewed. The American commissioners in Paris, who had been authorized by their government to equip vessels, appoint officers, and do other matters to annoy the enemy, now planned a cruise that surpassed anything of the sort that had yet been done in Europe under the American flag. Captain Wickes was directed to proceed to sea with his own vessel (the

* This committee was established by the colonists on the 29th November, 1775, to correspond with the friends of America in other countries. The committee was denominated the "Committee of Secret Correspondence," and continued in operation till April 17, 1777, when the name was changed to that of the "Committee of Foreign Affairs." On the appointment of a Secretary of Foreign Affairs, on the 10th of August, 1781, the committee was dissolved, and the foreign correspondence from that time went through the hands of the Secretary.

† See reference to policy of Spain, page 596.

Reprisal) and the Lexington, and to go directly off Ireland, in order to intercept a convoy of linen ships that was expected to sail about that time. The Dolphin, a cutter which had been purchased and fitted out in France, was also directed to join the squadron.

Captain Wickes quitted Nantes about the commencement of June, 1777, and sailed round the coast of Ireland, capturing and destroying many ships, and afterwards returned to France.

The boldness and success of this cruise produced much sensation in England, and the French government was driven to the necessity of either entirely throwing aside the mask, or of taking some more decided steps in relation to these cruisers. Not being prepared for war, it resorted to the latter expedient. The Reprisal and Lexington were ordered to be seized and held until security was given that they would quit the European seas, while the prizes were ordered to quit France without delay. The latter were accordingly taken outside the port and disposed of to French merchants in the same informal manner as in the previous cases, and the vessels of war prepared to return to America.

While the American commissioners (Dr. Franklin and Silas Deane) were directing the movements of Captain Wickes in the manner that has been described, they were not idle in other quarters. A small frigate was building at Nantes on their account, and an agent was sent by them to Dover, where he purchased a fast-sailing English-built cutter, and had her carried across to Dunkirk. Here she was privately equipped as a cruiser, and named the Surprise, and Captain G. Conyngham was appointed to command her, by filling up a blank commission from John Hancock, the president of the Congress. This commission was dated March 1, 1777. Having obtained his officers and crew in Dunkirk, Captain Conyngham sailed on a cruise about the 1st May, and on the 7th he captured the Harwich packet Prince of Orange, with which he returned to Dunkirk.

This proceeding of the Surprise called forth the earnest remonstrance of the English ambassador, and Captain Conyngham and his crew were imprisoned, the cutter seized, and the prizes liberated. The commission of Captain Conyngham was taken from him and sent to Versailles.

Notwithstanding these proceedings, the American commissioners purchased and fitted out another cutter at Dunkirk, which was called the Revenge, and means were found to liberate Captain Conyngham and his people, to whom a new commission was given, doubtless one of those in blank which had been confided to the commissioners to fill at their discretion.

The Revenge, under the command of Captain Conyngham, sailed from Dunkirk on the 18th July, 1777, and captured many British vessels, some of which were destroyed, but the most valuable were sent to Spain.

After a cruise of almost unprecedented success as far as injury to British merchants was concerned, the Revenge went into Ferrol, refitted, and finally sailed for the American seas.

The characters of the Surprise and Revenge, says Fenimore Cooper, appear never to have been properly understood. In all the accounts of the day, these vessels were spoken of as being privateers authorized to act by the commissioners in Paris. That the two vessels commanded by Captain Conyngham were public vessels, however, is proved in a variety of ways. Like the Dolphin, the Surprise and Revenge were bought and equipped by agents of the diplomatic commissioners of the United States.

The sensation produced among British merchants by the different

cruises in the European seas was very great; Mr. Deane,* one of the American agents in Paris, stating that it had caused insurance to rise, and even deterred British merchants from shipping goods in English bottoms, so that in a few weeks *forty sail of French ships* were loading in the Thames on freight.

Insurances in some instances rose as high as twenty-five per cent., and for a short period ten per cent. was asked between Dover and Calais.

In 1776 the American commissioners in Paris, with a view to increase the naval force of the country, caused a frigate of extraordinary size and of peculiar armament and construction for that period to be laid down at Amsterdam. This ship had the keel and sides of a two-decker, though frigate-built, and her main deck armament was intended to consist of 32-pounders. She was named the Indian. In consequence, however, of the apprehension of the Dutch government, and the jealousy of that of England, the American Congress was induced to make an offering of the Indian to Louis XVI, and she was equipped and got ready for sea as a French vessel of war.

This vessel subsequently entered the American service under the following circumstances, and was finally captured after having destroyed a large amount of British shipping.

The following are the circumstances related by Cooper:

In 1779 Commodore Gillon was sent to Europe by the State of Carolina, provided with large amounts of colonial produce, for the purpose of raising funds to purchase ships of war for the American navy. Commodore Gillon, after many unsuccessful attempts to obtain the class of ships he required, finally went to Amsterdam, where he found the Indian, which vessel, as previously mentioned, had been laid down by the American commissioners, and subsequently presented to France. She had the dimensions of a small seventy-four, but was a frigate in construction, carrying an armament of twenty-eight thirty-six's on her gun-deck. This ship, though strictly the property of France, had been lent by Louis XVI to the Duke of Luxemburg, who hired her to the State of South Carolina for three years on condition that the State would insure her, sail her at its own expense, and render to her owner one fourth of the proceeds of her prizes. Under this singular compact the ship, which was named the South Carolina for the occasion, got out of Amsterdam in 1781, and made a successful cruise in the narrow seas, sending her prizes into Spain. She afterwards sailed for America, capturing ten sail, with which she went into the Havana.

Cooper states that most of the vessels of South Carolina were purchased, and its seamen were principally obtained, from places out of its limits; Commodore Gillon and Captain Joyner being both natives of Holland.

Having thus given an outline of the proceedings of the American vessels of war in Europe, it will be interesting to refer to the diplomatic correspondence, and also to that of the American commissioners in Paris.

On the 18th of August, 1776, Mr. Silas Deane, who, as before stated, had been sent to Paris as the agent of the revolted colonies, and who had arrived in that city about the beginning of July, reported the result of his secret interviews with the French minister for foreign affairs. M. de Vergennes assured Mr. Deane that the importance of American commerce was well known, and that no country could so well supply the colonies and receive their produce as France, for which reason the court

* This letter contains an interesting report on the proceedings of the American cruisers and privateers in France and Spain since their first arrival in the European seas.

had ordered their ports to be kept open and equally free to America as to Britain. With regard to the shipment of arms, M. de Vergennes stated that, considering the good understanding between the two courts of Versailles and London, they could not *openly* encourage the shipment of warlike stores, but no obstruction of any kind would be given; if there should, as the custom-houses were not fully in their secrets in the matter, such obstructions would be removed on the first application.

So satisfied was Mr. Deane with the result of his intercourse with the French minister, that he stated that he had hopes of obtaining liberty for the armed vessels of the United Colonies to dispose of their prizes in the ports of France, and also for the arming and fitting out of vessels of war from thence. He further urged that a few American cruisers should be sent to the French coast, where they would do very well, as they would find protection in the harbors of the kingdom. Coming ostensibly for the purpose of commerce, he stated no questions would be asked, and they might wait until opportunity offered, and then strike something to the purpose.

On the 8th October, 1776, Mr. Deane stated that the French court, as well as other courts in Europe, had expected that the declaration of independence would be formally communicated to them. He also urged the necessity of eight or ten American frigates being collected at Bordeaux, where they might have leisure to refit and procure supplies. The appearance of American cruisers in Europe had, he stated, amazed the British merchants, and that insurance would now be on the war establishment; and as the American vessels of war would be protected in the ports of France and Spain, the whole of the British commerce would be exposed. He also prayed that the committee would forward him *blank commissions*, or a power to grant commissions to ships of war, as there were many persons wishing for an opportunity for using them in this way. Mr. Deane made frequent applications for *blank commissions*, which were subsequently forwarded to the American ministers in Paris in December, 1776.

The first country which appears to have publicly acknowledged the vessels of the United States as being entitled to belligerent rights was Spain, under the following circumstances:

In September, 1776, Captain Lee, commanding the American vessel Hawke, who on his passage from America had captured some valuable British vessels, went into Bilbao, not with the prizes, but with the captains and crews of the captured vessels. The British consul at Bilbao and the captains of the vessels protested, and complained against Captain Lee as a pirate, on which his vessel was detained, and his commission, &c., sent to Madrid by the Spanish authorities.

On the 7th of October, 1776, the Spanish government directed the governor of Bilbao to release the Hawke, and declared "that in consequence of the amity subsisting between his Catholic Majesty and the King of Great Britain, he should maintain a perfect neutrality during the war; that he should not give any aid to the colonists; but should not deny their being admitted into any ports of his dominions while they conformed to the laws of the country."

On the 26th of September, 1776, commissioners were appointed by the American Congress for transacting the business of the United States at the court of France. The persons chosen were Benjamin Franklin, Silas Deane, and Thomas Jefferson; the latter was subsequently replaced by Arthur Lee. The three commissioners met in Paris about the middle of December, where they continued to reside, chiefly employed in procuring military supplies and money for the United States, till they signed

the treaty of alliance with France on the 6th February, 1778. They were presented to the King as representatives of an independent State on the 20th March, 1778. Dr. Franklin was appointed minister plenipotentiary to the court of France on the 14th September, 1778, at which time the commission was dissolved.

In a letter addressed by the committee to the commissioners on the 21st September, 1776, they were informed that a resolution had been passed by Congress, approving of armed vessels being fitted out by them on continental account provided the court of France disliked not the measure; and they were informed that blank commissions for this purpose would be sent to them by the next opportunity.

The commissioners arrived in Paris on the 22d of December, 1776, and on the 28th they were received by M. de Vergennes, the French minister for foreign affairs. They laid before him their commissions, with the articles of a proposed treaty of commerce. In their letter to the committee, reporting their reception, they also stated that the ports of France, Spain, and Florence, (that is, Leghorn in the Mediterranean,) were open to the American cruisers upon the usual terms of neutrality.

In March, 1777, the commissioners reported that the French court, while treating them privately with all civility, was cautious of giving umbrage to England, and was, therefore, desirous of avoiding an open reception and acknowledgment of them, or entering into any formal negotiation with them as ministers from the Congress. To make them easy, however, they were told that the ports of France were open to their ships as friends. Although it was no secret at the time that 200 field-pieces of brass and 30,000 fusils, with other munitions of war in great abundance, had been taken out of the King's magazines for exportation to America, the minister in their presence affected to know nothing of that operation.

During these conferences the commissioners stated that every step was taken to gratify England publicly by attending to the remonstrances of our ambassador, forbidding the departure of ships which had military stores on board, *recalling officers who had leave of absence and were going to join the Americans, and giving strict orders that our prizes should not be sold in French ports.

They also reported that Captain Wickes had made a cruise during the winter, (1776–'77,) and had returned to France with five prizes, where they were sold, which proceeding caused some trouble and uneasiness to the French court. Money to the amount of 2,000,000 of livres was also supplied to the commissioners through the French government. Captain Wickes was directed by the commissioners to make another cruise previously to his return to America.

In May, 1777, the commissioners were directed to purchase in such port or place in Europe as it could be done with most convenience and dispatch, a fine, fast-sailing frigate or larger ship. They were instructed to place Captain Paul Jones in command of the vessel, and to employ him as they thought best. In June, 1777, they reported that the ship building at Amsterdam would be nearly as strong as a seventy-four, and might join the squadron in the months of February or March.

On the 16th of July, 1777, M. de Vergennes addressed a letter to the commissioners, complaining of the conduct of the American vessels in carrying on hostilities from the French ports, and at the same time informed them that orders had been sent to the ports for their sequestration and detention until sufficient securities could be obtained that they

* These were afterwards privately permitted to go, or went without permission.

should return directly to their country, and not expose themselves by new acts of hostility to the necessity of seeking asylum in French ports. With regard to the prizes, they had orders to go out immediately.

In a letter dated the 30th November, 1777, the commissioners refer to the difficulties arising out of the uncertain policy of the maritime powers, by which the American prizes could not be publicly sold, in consequence of which the purchasers took advantage to beat down the price, and sometimes the admiralty courts were obliged to lay hold of them in consequence of orders from court, obtained by the English ambassador.

On the 8th of February, 1778, the commissioners announced the signature of the treaties of commerce and alliance between France and the United States, the announcement of which subsequently led to hostilities between France and Great Britain.

In consequence of the proceedings of the American privateers in the French ports, numerous representations were made by Lord Stormont, the British ambassador at Paris, to the French government, during the years 1776–'77; in fact, the correspondence with France of that period is principally upon that subject.

In a memorial addressed to M. de Vergennes on the 18th March, 1777, the English ambassador made the following demands on the French government:

*"Il réclame donc l'accomplissement des assurances formelles qui lui ont été données que le vaisseau Américain commandé par le Sieur Wickes sortirait d'abord du port de l'Orient, et qu'il ne lui serait pas permis de croiser sur les côtes de France.

"1. Il demande la restitution immédiate et plénière du paquebot de Falmouth, vaisseau appartenant au Roi son maître.

"2. Celle des quatre vaisseaux marchands mentionnés dessus appartenant à des sujets de sa Majesté Très Chrétienne. Il demande que cette restitution, *avec la valeur de cette partie des cargaisons qui a été détournée, soit fait d'abord et bonâ fide aux propriétaires.*"

These demands arose out of the capture of five British vessels by the American ship Reprisal, which had been taken into the port of l'Orient, and there sold, and appear to be the only instance in which the ambassador made any claim for the value of the cargoes.

Notwithstanding these representations, assistance continued to be rendered to the vessels of the colonists in the French ports.

On the 4th July, 1777, Lord Stormont received instructions from his government, of which the following is an extract:

"The proper representations made by your excellency to the French ministers with respect to the cutter fitting out at Dunkirk, the artillery and military stores collecting for the use of the rebels, and several causes of complaint given by their governors in the West Indies, meet with his Majesty's approbation.

"The inclosed copy of a letter from Whitehaven will show your excellency that fresh proofs have been lately given of the protection held out to the rebels in the French ports, where the three privateers, the Repri-

*"He therefore claims the accomplishments of the formal assurances, which had been given to him, that the American vessel commanded by Mr. Wickes would first leave the port of l'Orient, and that he would be forbidden to cruise along the coasts of France.

"1. He would ask the immediate and full restitution of the packet of Falmouth, a vessel belonging to the King, his sovereign.

"2. That of the four merchant vessels above mentioned, belonging to the subject of his most Catholic Majesty, he asks that that restitution, *with the value of that part of the cargoes which has been embezzled, be made first et bona fide to the owners.*"—[*Translation.*

sal, the Lexington, and the Dolphin, have been supplied with everything that was necessary to them for their cruise, the last of them wholly fitted out at Nantes; and it appears that after their cruise they returned to some of the ports of France.

"This account, by his Majesty's command, has been taken into consideration by his confidential servants, and their opinion thereon submitted to his Majesty.

"In consequence thereof, I am commanded by his Majesty to signify to your excellency it is his pleasure that you acquaint the French ministers that, however desirous his Majesty may be to maintain the present peace, he cannot, from his respect to his honor and his regard to the interest of his trading subjects, submit to such strong and public instances of support and protection shown to the rebels by a nation that at the same time professes in the strongest terms its desire to maintain the present harmony subsisting between the two crowns. The shelter given to the armed vessels of the rebels, the facility they have of disposing of their prizes by the connivance of government, and the conveniences allowed them to refit, are such irrefragable proofs of support, that scarcely more could be done if there was an avowed alliance betwixt France and them, and that we were in a state of war with that kingdom.

"'The avidity of gain will tempt merchants in all countries to do very irregular things, and that avidity may not be easily controlled;' but the private views of the traders of France are not concerned in these transactions otherwise than by buying below their value what is supposed to be sold clandestinely in the case of the prizes carried into the French ports. Such a circumstance cannot weigh with a great state, whose views must be directed by greater considerations. The views of the rebels are evident; they know that the honor of this country and the proper feelings of the people in general will not submit to such open violation of solemn treaties and established laws acknowledged by all nations. The necessary consequence must be a war, which is the object they have in view; they are not delicate in the choice of means that may bring about an end so much desired by them.

"These reflections, my lord, your excellency will communicate to the French ministers, expressing at the same time that an explanation is desired, not a menace intended; but on full consideration of the present circumstances they must be satisfied peace, however earnestly wished, cannot be maintained, unless an effectual stop is put to our just causes of complaint.

"Lord Macartney and Governor Shirley have transmitted many depositions on oath to ascertain the complaints, the particular subjects of which have been sent to your excellency; but I do not trouble you with them, as you need no proofs to be convinced that the French governors are acting the most unjustifiable conduct in the West Indies, where there is too much reason to suspect they are concerned in the piracies."

In consequence of the seizure of the English vessel Experience, the English ambassador addressed the following demand to the French government on the 8th July, 1777:

*"Que le vaisseau Anglais nommé l'Expérience, et sa cargaison, soient

* "That the English vessel called the 'Experience,' and her cargo, be first given up to the owners or to their assign, and that the captors indemnify them for the damage made. It would be superfluous to insist any more upon the justice of that demand, in addressing a ministry as enlightened as that of France, and it is for that reason that the embassador avoids insisting upon the circumstances of that seizure; he will only state that that English vessel was near the port of Cherbourg when she was seized by American pirates, who had left the same port for the purpose of taking that vessel; and who had been accompanied by several subjects of his most Catholic Majesty, and even by some French soldiers who had been accomplices of the deed."—[*Translation.*

restitutés d'abord aux propriétaires ou à leur ayant-cause, et que les capteurs réparent tout le dommage qu'ils ont fait. Il serait superflu d'insister davantage sur la justice de cette demande, en parlant à un ministère aussi éclairé que celui de France, et c'est à dessein que l'ambassadeur évite d'appuier sur les circonstances de cette prise; il se bornera à dire que ce bâtiment Anglais étoit à l'avère près du port de Cherbourg quand il a été pris par les pirates Américains, qui sont sortis de ce même port pour s'emparer de ce vaisseau, et qui ont été accompagnés de plusieurs sujets de sa Majesté très Crétienne, et même de plusieurs soldats François qui ont été complices de cet attentat."

In reply to those representations M. de Vergennes read a *note verbale* to Lord Stormont, the following extract of which relates to the conduct of the French government with regard to the privateers which had been admitted into the French ports:

* "C'est d'après cette conviction que le Roi me charge de déclarer à votre excellence, *que fidèle à l'observation des traités, que sa Majesté s'attend qui ne seront pas moins exactement observés de la part de l'Angleterre, elle ne permettra rien qui pourrait y déroger;* et que sensible aux plaintes que vous avez eu commission de me porter contre les trois corsaires (Américains) la Représaille, le Lexington, et le Dolphin, lesquels, après avoir eu injonction de sortir des ports de France pour n'y plus revenir, y sont cependant rentrés malgré cette défense; sa Majesté, bien élognée d'approuver cette navette que les traités réprouvent, en est au contraire très-mécontente, et ne peut mieux en témoigner son mécontentement qu'en ordonnant, comme elle le fait, de séquestrer les dits corsaires dans les ports où ils peuvent être relâchés, pour y être retenus jusqu'à ce qu'on puisse avoir des sûretés suffisantes qu'ils retourneront en droiture dans leur patrie, sans infester de nouveau les mers d'Europe.

"Quant aux prises que ces corsaires ou d'autres peuvent avoir amenées, ou pourront amener pa la suite dans nos ports, les ordres sont renouvelés non seulement pour qu'on n'en permette pas la vente; mais encore pour qu'on les fasse partir aussitôt que le vent et les circonstances du temps pourront le permettre, sans se prêter à aucune des exceptions que la

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* "It is from that conviction that the King instructs me to declare to your excellency *that, faithful to the observations of the treaties, his Majesty expects that they will not be the less observed by England, and that he will allow nothing that could derogate from them;* and that sensible to the complaints which you have been commissioned to bring to my notice against the three corsairs, (American,) the Represaille, the Lexington, and the Dolphin, which after having been ordered to leave the ports of France never to return, came back notwithstanding that prohibition, his Majesty, far from approving that to and fro proceeding condemned by treaties, is, on the contrary, greatly displeased, and cannot testify his displeasure otherwise than in ordering, as he does, the retention of the said corsairs in the ports where they might put in, to be detained until sufficient securities are obtained that they will sail directly for their country, and rove no longer upon European waters.

"As to the prizes that those privateers or others have brought or may bring in our ports hereafter, orders have been renewed not only to forbid their sale, but also to oblige them to leave as soon as the wind and the state of the weather will permit, without complying with any exceptions which the cupidity of the sellers and buyers might form; and it is ordered that the officers appointed for that purpose keep a strict watch, under the penalty of being personally responsible. It is further recommended to them to see carefully that the facilities of commerce enjoyed by Americans in the ports of France do not exceed those of an authorized trade.

"If any English subjects think proper to bring a personal action against any one of the above-mentioned corsairs the courts will be open to them here as well as in England. *The law decides the affairs in litigation, but the authority of the government never.*

"In what relates to the Dolphin, which, as your excellency pretends, is a French vessel armed in France, with a crew of the same nation, and having but one American officer, the most impartial examination shall be made, and if the matter is really such as it has been represented to you, justice shall be done."—[*Translation.*

cupidité des vendeurs et des acheteurs est ingénieuse à former; et il est enjoint aux officiers préposés à cet effet, d'y tenir sévèrement la main, sauf à en répondre en leur propre et privé nom. Il leur est pareillement recommandé de veiller soigneusement à ce que les facilités de commerce dont les Américains jouissent dans les ports de France n'excèdent pas celles d'un commerce permis.

"Si quelque sujet Anglais se croit fondé à intenter une action personnelle contre quelqu'un des susdits corsaires, la voie des tribunaux leur est ouverte ici comme en Angleterre. *La loi décide les affaires contentieuses, et jamais l'autorité.*

"Pour ce qui est du 'Dolphin,' que votre Excellence prétend être un bâtiment Français armé en France avec l'équipage de la même nation, et n'ayant qu'un seul officier Américain, l'examen le plus impartial en sera fait, et si la chose est effectivement telle qu'elle vous a été représentée, il en sera fait justice."

On the 15th of March, 1778, the French ambassador in London communicated to the English government the recognition of the independence of the American colonies, and the treaties which had been signed between France and the United States, which led to the withdrawal of the English ambassador from Paris, and to the subsequent hostilities between the two countries without any formal declaration of war.

In 1779 the French government published an *Exposé des Motifs* of its conduct relative to Great Britain, to which a reply was published by Great Britain, written by the historian Gibbon, and contained in volume iv of his miscellaneous works. In reply to the latter memorial the French government published a paper entitled "Observations de la cour de Versailles sur le Mémoire justificatif de la cour de Londres."* In this paper the following extracts occur in justification of the asylum granted to the American privateers in the French ports:

†"En donnant asile aux Américains, le Roi n'a fait que remplir un des

*See "Droit des Gens;" Martens, vol. i. Causes Célèbres. 1761–88, p. 462.—(F. O. Lib., Oct. 730.)

†"In giving asylum to Americans, the King only fulfilled one of the first duties of humanity, at the same time he exercised an inherent right of sovereignty, a right belonging to all independent nations, and which can only be restrained by conventions, the exercise of which is more extended in England than in any other state of Europe. The King has had no reason to abandon the exercise of that right to the detriment of Americans, inasmuch that that nation had never offended him, it would have been a tyranny, and an unheard-of cruelty on his part, to expel them from his dominions because they were unjustly oppressed by Great Britain. Americans have resided in more than one part of Europe. Is there any from which they have been forced to leave? Is there any in which they have not enjoyed the right of hospitality? anywhere they have not been as tranquil and secured as in the most distant provinces of America? What right has the court of London to accuse the King for not having expelled Americans from his dominions, as if it were a crime?

"The King has not only given asylum to Americans, but has also admitted their privateers and their prizes; and it is one of the principal complaints of the court of London, upon which it has insisted the most, and which has furnished ample matter for its invectives and reproaches. But few words will suffice to establish the true principles upon that subject, and to show that the English ministry have overlooked them voluntarily.

"The King has the right to admit in his ports the ships of all the nations of the world. That right is extended to men-of-war as well as to merchantmen, and admits no restrictions, but those established by treaties. The treaty of Utrecht contains some restrictions relating to war vessels. Article XV states, substantially, 'That the contracting parties' (France and England) 'will not allow their respective enemies to arm in their ports, to sell their prizes, nor to remain beyond the necessary time to repair their damages and to provide themselves with whatever is necessary to enable them to go to sea.' The King has faithfully observed this conduct towards American privateers. His disposition on that subject is shown by the most precise orders, and above all, by their execution. It is true that the English ministry alleges, "*That these orders*

premiers devoirs de l'humanité, en même temps qu'il a exercé un droit inhérent à la souveraineté; droit qui appartient à toutes les nations indépendantes, qui ne peut être restreint que par des conventions, et dont l'exercice est plus étendu en Angleterre que dans aucun autre état de l'Europe. Le Roi n'a eu aucune raison de rénoncer à l'exercice de ce droit au préjudice des Américains, parce que cette nation ne l'a jamais offensé; et c'eût de sa part une tyrannie, une cruauté inouïe que de les expulser de ses états, parce qu'ils étaient injustement opprimés par la Grande Bretagne. Des Américains ont séjourné dans plus d'un pays de l'Europe. En est-il aucun d'où ils n'aient été forcés de sortir; aucun où ils n'avaient joui du droit de l'hospitalité; aucun où ils n'aient été aussi tranquilles et aussi sûrs que dans les provinces les plus reculées de l'Amérique? A quel titre la cour de Londres prétend-elle donc faire un crime au Roi de n'avoir chassé les Américains de ses états?

"Non-seulement le Roi a donné un asile aux Américains, mais il a aussi admis leurs corsaires et leurs prises; et c'est là un des principaux griefs de la cour Londres, sur lequel elle s'est appesantie la plus, et qui a fourni la matière la plus ample à ses déclamations et à ses reproches. Mais quelques mots suffiront pour établir les véritables principes sur cette matière, et pour démontrer que le ministère Anglais les a méconnus volontairement.

"Le Roi est le maître d'admettre dans ses ports les navires de toutes les nations de l'univers. Ce droit s'étend sur les bâtiments de guerre comme sur les bâtiments marchands; et il n'admet de restriction que celles qui sont établis par des traités. Celui d'Utrecht en renferme relativement aux bâtiments de guerre: L'Article XV porte en substance, 'que les parties contractantes (la France et l'Angleterre) ne permettront pas à leurs ennemis respectifs d'armer dans leurs ports, d'y vendre leurs prises, et d'y séjourner au delà du temps requis pour réparer leurs dommages et se pourvoir des choses nécessaires pour être en état de remettre à la mer.' Le Roi a suivi ponctuellement cette conduite par rapport aux corsaires Américains. Sa volonté à cet égard est constatée par les ordres le plus précis, et surtout par leur exécution. Il est vrai que le ministère Anglais avance *que ces ordres étaient illusoires, qu'ils étaient transgressés ouvertement, impunément et même sous l'autorité du gouvernement:* mais cette accusation est une calomnie d'autant plus révoltante qu'elle est contraire à la notoriété publique, constatée même par les gazettes ministérielles imprimées en Amérique.

"Si l'on prétend que le Roi aurait dû refuser toute retraite aux corsaires Américains, parce qu'il aurait dû les regarder comme pirates, on demande de quel droit le Roi aurait pu les juger tels? Les Américains ne sont point ses sujets: il n'est ni le juge ni l'arbitre des querelles

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were illusory; that they were openly transgressed with impunity, and even by the authority of the government: but this accusation is a shameful calumny, inasmuch as it is not in accordance with well-known facts, as shown by the ministerial organs, published in America.

"If it is claimed that the King ought to have refused asylum to American privateers because he ought to have considered them as pirates, the question arises, by what right could the King have considered them as such? The Americans are not his subjects, neither is he the judge nor the arbitrator of England's domestic quarrels. He had adopted neutrality, and would have infringed it in the most odious manner in deciding upon the status of the Americans. These principles are positive, and to deny them would be a mockery, while it would be inexcusable to violate them. The court of London alone has had privateers at sea; it is its own merchant vessels which in peace have seized upon French vessels, and that court will not maintain that such proceedings were contrary either to its instructions or to its intentions, since the guilty parties, though denounced, have remained unpunished, and the vessels taken have not been given up."—[*Translation.*

domestiques de l'Angleterre. Il avait adopté la neutralité, et il l'aurait enfreinte de la manière la plus odieuse, en prononçant sur l'état des Américains. Ces principes sont certains, et c'est une véritable dérision que de les méconnaître, comme ce serait une adulation, une faiblesse inexcusable que de les violer. La cour de Londres seule a eu des pirates en mer; ce sont ses bâtiments marchands qui, en pleine paix, ont enlevé des bâtiments Français; et cette cour ne soutiendra pas sans doute, que ce procédé était contraire à ses ordres ou à ses intentions, puisque les coupables, quoique dénoncés, sont demeurés impunis, et que les navires pris n'ont pas été restitués."

It results from the foregoing statements that no such contrast between the conduct of France on the occasion of the revolt of the British provinces in 1774, and that of Great Britain on the occasion of the recent insurrection in the United States, as that which Mr. Adams has sought to draw, can really be drawn. Great Britain by no act of hers conferred upon her revolted colonies any belligerent character, or sought to enforce against neutrals belligerent rights; on the contrary, for a long period she dealt with her colonies as revolted provinces by acts of ordinary legislation, and by restrictions on their trade. On the other hand, the United States, within a few months after the commencement of the insurrection, conferred upon the southern States belligerent rights by the proclamation issued by the President of the United States on the 19th of April, 1861, establishing the blockade of the southern States, "in pursuance of the laws of the United States and of the laws of nations in such cases provided."

FOREIGN OFFICE, *October* 30, 1865.

[Inclosure No. 2.]

Memorandum respecting representations made by Mr. Adams of breaches of neutrality during the civil war.

1. Bermuda.—August 15, 1861.

Letter acknowledged and referred to treasury August 15.

Steamer said to be fitting out for confederates at Hartlepool. Not a case for interference. Proved to be a blockade-runner.

2. Sumter.—September 30, 1861.

Complaint of the Sumter having been acknowledged as a ship of war at Trinidad by the governor and the captain of her Majesty's ship Cadmus.

The circumstances had been already reported, and the opinion of the law officers taken, (September 16,) who decided that no irregularity had been committed. Mr. Adams was informed accordingly.

The Sumter had run the blockade of the Mississippi, whence she went to Puerto Cabello, and then to Trinidad. She was afterwards laid up at Gibraltar, where she was watched by the United States steamer Tuscarora. While at Gibraltar the captain was assassinated by the lieutenant. The ship was dismantled and sold to a British firm in December, 1862, and came to Liverpool. Her proceedings there occasioned a subsequent correspondence.

3. Establishment of a confederate depot at Nassau.—October 1, 1861.

Letter acknowledged and referred to Colonial Office October 8.

The allegations in Mr. Adams's letter were denied by Mr. H. Adder-

ley, the person who was stated to have the shipment of the supplies, and Mr. Adams expressed his satisfaction at the denial. (Mr. Adams, January 10, 1862.)

4. Nashville.—November 22, 1861.

Acknowledged and referred to law officers November 23.

This was a complaint of the confederate steamer Nashville having been permitted to enter Southampton after having destroyed the American bark Harvey Birch.

The Nashville, which had escaped from Charleston, proved to be regularly commissioned as a ship of war, and was, under the advice of the law officers, acknowledged accordingly.

For correspondence as to the proceedings of the Nashville and United States steamer Tuscarora at Southampton, see Parliamentary Papers, presented 1862.

5. Oreto, or Florida.—February 18, 1862.

Acknowledged and referred to treasury February 18.

Alleged to be fitting at Liverpool for the confederate service.

The customs officers reported that she was intended for a merchant vessel, and was stated to be going to Italy. No proof was forthcoming of her equipment, and she sailed, March 22, without any armament on board. On arriving at Nassau she was seized by her Majesty's ship Greyhound for violation of foreign enlistment act. The case was tried in the vice-admiralty court, and the ship released, August 2, 1862. She then ran the blockade at Mobile, and, having armed there, escaped again as the Florida ship of war, under the command of Captain Maffit.

Her career continued until her seizure in the harbor of Bahia by the United States ship Wachusetts, in October, 1864.

Reference to foreign enlistment act.—In the second representation made by Mr. Adams, March 25, 1862, the following passage occurs, which, as being the first reference to the operation of the foreign enlistment act, may be worthy of remark:

"It is with the deepest regret that the President directs me to submit to her Majesty's government a representation of the unfortunate effect produced upon the minds of the people of the United States from the conviction that nearly all of the assistance that is now obtained from abroad by the persons still in arms against their government, and which enables them to continue the struggle, comes from the kingdom of Great Britain and its dependencies. Neither is this impression relieved by the information that the existing municipal laws are found to be insufficient, and do not furnish means of prevention adequate to the emergency."

6. Blockade-runners laden in England.—March 10, 1862.

Letter acknowledged March 13. Referred to law officers March 12, who decided (March 22) that her Majesty's government could not interfere.

7. Emily St. Pierre.—April 24, 1862.

Acknowledged and referred to law officers, April 24.

A blockade-runner, which, after capture, was rescued by her master and two men from the prize crew and brought to Liverpool.

Under advice of law officers her Majesty's government refused to interfere.

8. Alabama.—June 23, 1862.

Acknowledged, referred to treasury and law officers June 25.

A vessel known as the No. 290, building by Messrs. Laird at Liverpool. Law officers reported (June 30) that there was not sufficient evi-

dence to proceed on, but that the vessel should be watched. The reports received from the customs were sent to Mr. Adams, (July 4,) with a suggestion that the United States consul at Liverpool should procure further proofs of equipment, &c. Mr. Adams acknowledged, and promised to act on this suggestion, (July 7.) He sent further depositions accordingly, (July 22 and 24,) and accompanied the latter letter by an opinion of Mr. Collier in favor of seizure. The law officers reported (July 29) that she should be seized; but, on the morning of the 29th, she had sailed from the Mersey, under pretext of a trial trip. A copy of the law officers' opinion was sent to the Bahamas in case of the Alabama going there. She, however, proceeded to Angra Bay, Azores, where she met the Bahama and Agrippina, with her armament, her commander, Captain Semmes, and forty-two seamen. She then hoisted the confederate flag, and sailed for Port Royal, Martinique; next to Blanco Island, (belonging to Venezuela,) where she coaled; then to Arcas Keyes; then destroyed the United States ship Hatteras off Galveston, and afterwards to Jamaica, where she was received and recognized as a regularly commissioned ship of war.

She continued her depredations at the Cape of Good Hope and elsewhere, until she was finally sunk by the United States ship Kearsarge, off Cherbourg, June 19, 1864.

Naval reserve men dismissed for engaging on board Alabama.—It having been found that four naval reserve men had sailed in the Alabama on her first start, their names were erased from the naval reserve list.—(*Admiralty, February* 27, 1863.)

9. Hector.—November 17, 1862.

Referred to admiralty November 18.

This was an inquiry whether the Hector was building for her Majesty's government; and, after reference to the admiralty, was answered in the affirmative.

10. The Georgiana.—January 16, 1863.

Acknowledged and referred to treasury and Home Office January 17.

Said to be fitting at Liverpool for confederates, though Mr. Adams could not divulge the authority on which the statement was made.

The reports from the customs sent to Mr. Adams on the 18th, 19th, and 27th January, went to show that the vessel was not for war purposes.

She sailed on the 21st January for Nassau, and was wrecked, in attempting to enter Charleston, March 19, 1863.

11. Confederate agency in England.—February 9, 1863.

Acknowledged February 12; referred to law officers, treasury, and Home Office, February 23.

This was the case of the intercepted correspondence.

Answered March 9; no cause to interfere.

12. Sumter, or Gibraltar, at Liverpool.—February 16, 1863.

Referred to law officers February 17.

After her sale at Gibraltar, (see No. 2,) the Sumter's name was changed to the Gibraltar. Mr. Adams complained of her being refitted for confederate service. The law officers reported March 3, and Mr. Adams was informed March 9, that there was no case for interference.

It appeared that guns were shipped on board the Gibraltar, but they proved to be siege guns. She was wrecked in attempting to enter Charleston, in July.

13. Payment of the men, late of the Alabama, in England. Messrs. Klingenders' agency.—March 4, 1863.

Acknowledged and referred to law officers March 12, 1863, who decided that no offense had been committed.

14. Phantom and Southerner.—March 26, 1863.

Acknowledged and referred to treasury and Home Office March 27, law officers June 2.

Phantom, fitting at Liverpool; Southerner at Stockton-on-Tees. Mr. Adams informed that there was no ground for interference July 3.

Both vessels proved to be intended for blockade runners.

15. Alexandra.—March 30, 1863.

Acknowledged and referred to law officers, treasury, and Home Office, March 31, 1863.

Reports were received from the treasury on the 31st, and Home Office April 1st. On the 4th of April the law officers advised seizure.

The trial ended in the discharge of the vessel, and the costs and damages having been compromised for £3,700, she was delivered to the owners. She was then sent to Nassau, where she was again tried on a similar charge of the violation of foreign enlistment act, and again acquitted. She has remained there ever since, and is now known as the Mary.

16. The Virginia, or Japan.—April 8, 1863.

Acknowledged and referred to Home Office and treasury April 8.

When Mr. Adams complained, this vessel had already sailed from Greenock on the 2d of April for Alderney. Instructions were sent to the governor of Guernsey to have her watched. She did not, however, go to the Channel Islands, but went to the coast of France, where she met a small steamer, the Alar, of Newhaven, off Morlaix, and took from her her crew and equipment. She then apparently went to Cherbourg.

An explanation was furnished to Mr. Adams April 21, and on the 30th of April the law officers reported that no offense under the foreign enlistment act had been committed by the Alar. The Virginia was subsequently known as the Georgia, and her arrival in Liverpool in 1864 occasioned a further correspondence.

17. Iron-clads at Liverpool.—July 11, 1863.

Acknowledged and referred to treasury, Home Office, and law officers, July 13.

These vessels, known as the El Mounassir and El Toussoon, and said to have been ordered of Messrs. Laird, of Birkenhead, by M. Bravay, for the Egyptian government, were seized and eventually purchased for her Majesty's service.

18. Canton, or Pampero.—October 17, 1863.

Acknowledged and referred to treasury, Home Office, and admiralty, October 19.

This vessel, which was being constructed in the Clyde, nominally as a merchant ship for the China trade, was, after inquiry, and under the advice of the lord advocate, seized and tried. The Crown took judgment by default, the case being undefended, and the vessel remained under seizure until the close of the war.—(*Lord Advocate*, *October* 19, 1865.)

19. Alleged confederate depot at Bermuda.—November 3, 1863.

Acknowledged and referred to law officers November 5, who reported (November 12) that there was no case for interference. Mr. Adams informed accordingly, November 27.

20. Rappahannock.—November 28, 1863.

Acknowledged November 30; referred to Home Office, admiralty, treasury, and law officers, November 29.

This vessel, formerly her Majesty's ship Victor, had been sold by the admiralty to Messrs. Coleman in October, but without masts or sails.—(*From Admiralty, October* 24, *to Admiralty, October* 24.)

She sailed from Sheerness on the morning of the 25th of November, in a very incomplete state, the riggers being still on board, and arrived at Calais on the 26th. These circumstances had already been reported when Mr. Adams's representation was received.

Prosecution of Mr. Rumball.—Mr. Rumball, the head of the outfitting or rigging department at Sheerness dock yard, was prosecuted for his share in the transaction, but was acquitted on trial at the Queen's Bench on the 4th of February, 1865. He was, however, placed on half-pay.—(*To Mr. Adams, March* 8, 1865.)

Intended prosecution of Messrs. Anson and Brown.—It was also intended to prosecute two other persons, seamen, for engaging men to serve in the Rappahannock, under the name of the Scylla; but the prosecution was not carried out, the men having, it is believed, absconded.

The Rappahannock remained at Calais until the conclusion of the war, when she was sold to a British firm and brought to England.

21. Confederate agency at Liverpool.—December 7, 1863.

Acknowledged December 9; referred to law officers December 9.

This was the case of Jones & Co., accused of enlisting men for confederate service.

The law officers advised that J. Jones and R. Highat, and their clerk, Wilding, and another person named Maltman, should be proceeded against.—(*Law officers, December* 12, 1863.)

The Home Office accordingly proceeded against the two principals at the spring assizes; the case was removed by writ of certiorari to the Queen's Bench, where they were both convicted; but certain points were reserved for argument at the next term, and on the 23d of November, 1864, they were condemned to pay a fine of £50 each.

22. Captain Cator.—December 29, 1863.

Acknowledged and referred to admiralty December 30, 1863.

This was a complaint that an officer in her Majesty's navy had been engaged in running the blockade. The admiralty reported that they had no knowledge of it, and could not interfere.—(*December* 31, 1863.)

23. Naval reserve men enlisted for Florida and Georgia.—January 11, 1864.

Acknowledged January 13; referred to Home Office January 13.

Three naval reserve men who were traced were struck off the list.—(*Admiralty, January* 21.)

24. Naval reserve men in Alabama.—January 13, 1864.

Acknowledged and referred to Home Office January 14.

Mr. Adams sent a list of nineteen men said to belong to naval reserve; but of this number only three could be traced as actually belonging to it.—(*Admiralty, January* 29, *February* 18.)

25. Will-'o-the-Wisp.—February 22, 1864.

Acknowledged and referred to Colonial Office February 25.

This vessel was said to be going to Bermuda to convey stores to the confederate government.

No case appeared for interference.—(*Colonial Office, May* 16, 1864.)

26. Amphion.—March 18, 1864.

Acknowledged and referred to Home Office March 18.

Said to be equipping for confederates.

Law officers reported that no case was made out.—(*Law officers, March* 31.)

She was eventually sent to Copenhagen for sale as a merchant ship.

27. Hawk.—April 16, 1864.

Acknowledged and referred to Home Office, lord advocate, and treasury, April 18.

Supposed to be building at Renfrew for confederates; nominal owner Mr. Begbie.

The case had already been reported on by customs, (*Treasury, April* 4,) and the papers sent to the lord advocate. On the 13th of April she left the Clyde without a register and came to Greenhithe. The law officers decided (*April* 26) that there was not evidence to warrant detention, and the treasury were so informed May 6.

She proved to be a blockade-runner.—(*Home Office, January* 19, 1865.)

28. Enlistments for the Rappahannock.—April 16, 1864.

Referred to law officers, April 18.

Four persons were charged with these enlistments, viz: Seymour, Cunningham, Buchanan, and Bradshaw. The law officers recommended they should be prosecuted.—(*Law officers, April* 28.)

The three first were proceeded against by Home Office. (*Home Office, July* 18, 1864, *August* 16, 1864.) Seymour pleaded guilty, and was discharged on recognizances to appear when called upon; Cunningham was tried and convicted, and similarly discharged on recognizances of £150; Buchanan pleaded guilty, and was similarly sentenced; Bradshaw was not prosecuted.

29. Georgia, at Liverpool.—May 9, 1864.

Acknowledged and referred to law officers May 10.

This vessel, formerly the Virginia, or Japan, (see No. 16,) arrived at Liverpool under confederate colors, and Mr. Adams complained of her reception in the character of a ship of war. It was, however, decided that she should be thus received. Soon afterwards she was dismantled and sold to the British firm of Bates & Co. as a merchant ship. Mr. Adams again complained, July 27, 1864, of her being refitted as a ship of war. This proved to be unfounded. Messrs. Bates sent her out to Portugal, but she was captured by the United States ship Niagara, off Lisbon, and taken to the United States as a prize.

Customs notifications against dismantling or selling belligerent ships in British ports.—The circumstances of this case gave rise to the customs notification of the 11th August, forbidding the ships of war of the belligerents in America from being dismantled or sold in British ports.

30. Enlistments for Georgia.—May 28, 1864.

Acknowledged June 1, and referred to Home Office June 1.

Prosecution of Campbell.—This was a complaint against a person named Campbell, of Liverpool. Under advice of law officers he was prosecuted by Home Office (*Home Office, June* 16, 1864) and pleaded guilty, and was discharged on recognizances of £150 to appear when called upon.

31. Shenandoah, or Sea King.—November 18, 1864.

Acknowledged November 19.

The case of this vessel had already been reported by her Majesty's consul at Teneriffe. The Sea King, a merchant vessel of an Indian trading company, was sent to Funchal, where she was met at Desertas, off Funchal, on the 20th of October, by the Laurel, Captain Corbett, with armament and crew. The transshipment took place there, and the Laurel returned to England, having touched at Funchal on the 30th of October.

Prosecution of Captain Corbett.—The law officers recommended the

prosecution of Captain Corbett for his share in inducing men to ship on board the Shenandoah. The Home Office instituted proceedings accordingly, (*Home Office, December* 2, 1864,) and the case stands for trial next term.

32. City of Richmond.—January 14, 1865.

Acknowledged January 16; referred to Home Office January 15, and to law officers January 19.

This vessel was engaged, as was stated, to carry the crew of the Florida, who had come to England from Brazil, from London to Nassau. The law officers reported that no case was made out.—(*Law officers, January* 20, 1865.)

33. Virginia and Louisa Ann Fanny.—January 30, 1865.

Acknowledged and referred to treasury February 1, 1865.

Vessel said to be in course of equipment at London.

No case was established, and they both proved to be blockade-runners as reported by the governor of the Bahamas, who had been instructed to watch their proceedings.—(*Colonial Office, April* 19 *and May* 11, 1865.)

34. Hercules and Ajax.—February 7, 1865.

Acknowledged and referred to treasury and Home Office February 8 and 9.

Both vessels built in the Clyde.

Ajax first proceeded to Ireland, and was detained at Queenstown by the mutiny of some of the crew, who declared she was for the confederate service. She was accordingly searched, but proved to be only fitted as a merchant ship. The governor of the Bahamas was instructed to watch her at Nassau. On her arrival there she was again overhauled, but nothing suspicious discovered, and the governor reported that she was adapted, and, he believed, intended for a tug-boat.

The Hercules being still in the Clyde, inquiries were made by the customs there, who reported that she was undoubtedly a tug-boat, and the sister ship to the Ajax.

Upon receiving this report, it was proposed to prosecute the informant, Smith, for perjury; but it was found necessary for that purpose to produce the original affidavit, of which Mr. Adams had only sent a copy. Mr. Adams was, accordingly, written to for it on the 28th of June last, but nothing has since been done in the matter.

Mr. Adams's representations may be divided into four classes:

1. Outfit of vessels for the confederate navy in British ports.
2. Reception of confederate war vessels in British ports.
3. Enlistments for the confederate service.
4. Miscellaneous.

1. *Outfit of vessels for the confederate navy in British ports.*

It will be seen from the foregoing statement that Mr. Adams complained of no less than nineteen vessels, viz:

1. Bermuda.
2. Oreto, or Florida.
3. Alabama.
4. Georgiana.
5. Phantom.
6. Southerner.
7. Alexandra.
8. Virginia, or Japan, (Georgia.)
9. 10. Iron-clads.
11. Canton, or Pampero.
12. Rappahannock.
13. Amphion.
14. Hawk.
15. Shenandoah, or Sea King.
16. Louisa Ann Fanny.
17. Virginia.
18. Hercules.
19. Ajax.

Of these, five subsequently hoisted the confederate ensign:

Oreto, or Florida.
Alabama.
Virginia, or Japan.
Rappahannock.
Shenandoah.

The Oreto, or Florida, besides having been watched by the customs previously to her leaving England, was seized and tried at Nassau, and acquitted. She then ran into Mobile, took her armament on board, and through the negligence of the blockading ship, United States ship Oneida, (whose captain, Captain Preble, was dismissed the service in consequence,) succeeded in escaping, and issued on her career as a regularly commissioned ship of war, the Florida. This vessel, therefore, cannot be said to have been equipped or fitted out in a British port, nor can the British home or colonial authorities be accused of any want of activity with regard to her.

The Alabama, it is true, succeeded in escaping by a trick on the morning of the very day on which she would have been seized. Her armament was taken on board off Terceira, and her first recognition as a confederate war vessel was in a French (Port Royal, Martinique) and not a British port.

Virginia, or Japan.—This vessel, it will have been observed, sailed before any information of her character had reached her Majesty's government, and was, in fact, taking in her armament in French waters on the very day on which Mr. Adams's representation was dated.

The same thing occurred with regard to the Rappahannock, which was at Calais on the 26th of November, 1863, Mr. Adams's representation not being received until the 28th. In this case, however, the precipitancy with which the vessel was dispatched, in an incomplete state, to avoid detention, prevented her ever being available for service, and although she had the confederate flag flying when she entered Calais, she had neither guns nor ammunition on board.

The Shenandoah, or Sea King, escaped in a similar manner to the Virginia and Rappahannock; and the first intimation that was received of her proceedings was from her Majesty's consul at Teneriffe, reporting the transfer of crew and armament to her from the Laurel, at the Desertas, off Funchal. In this case, indeed, had information been received in time, it is not probable that she could have been detained, as she was a regular trading vessel, well known as the Sea King in the East India trade.

In fact, as regards all these five vessels, the case may be shortly stated that, in three instances, information was not received in time for her Majesty's government to take any measures of prevention; in one instance the vessel was equipped and armed in a confederate port, and in the remaining one the ship succeeded in baffling the vigilance of the authorities at the very moment of her intended seizure. The Virginia, (Georgia,) the Alabama, and the Shenandoah were alike armed and manned in foreign waters.

During the four years of the civil war, from 1861 *to* 1865, *not a single armed ship for the confederate service was dispatched from any port either of Great Britain or the British colonies; and only one vessel, the Alabama, which it could have been possible to detain, escaped for conversion into a cruiser.*

On the other hand, in looking at the preceding list we see that four vessels were proceeded against in England, and thereby prevented from entering the confederate service, viz: the Alexandra, the two iron-clads,

and the Canton, or Pampero. Although the prosecution of the first of these was not successful, it served to detain her for a long period; and a second prosecution, which was instituted at Nassau, has kept her under seizure until the end of the war; the iron-clads, the most formidable of all the intended cruisers, were thus similarly detained, and eventually purchased to avoid further litigation; while the Canton, or Pampero, was condemned, and remained in the hands of the Crown until the occasion for her seizure had passed.

The remaining ten vessels denounced by Mr. Adams proved to be ordinary merchantmen, intended chiefly for running the blockade, which is not an offense amenable to the law. To these cases may be added the alleged refit of the Sumter at Liverpool, the report of which proved unfounded.

The list includes all the suspected vessels in British ports, with the exception of two—the Almandares and Pinero—which were alleged, though not by Mr. Adams, to be equipping at Montreal. No case was made out.—(*Colonial Office, February* 6, 1865.)

When the delay in seizing the Alabama is so severely criticised by Mr. Adams, it must be remembered that in the two preceding representations his information had proved to be erroneous, the Bermuda being evidently not intended for a ship of war, and the Oreto having been found innocent in a court of law. The latter was subsequently converted into a cruiser, but the readiness with which a merchant vessel can be made available for belligerent purposes has been shown by the fact that the most efficient blockading ships in the federal navy were captured blockade runners.

2. *Reception of confederate vessels of war in British ports.*

Sumter.—This vessel, the first that appeared in European waters, was, as stated in the memorandum, regularly commissioned and equipped, and sailed from the Mississippi. The Nashville was likewise of American origin, having sailed from Charleston. She had been intended to bring the confederate commissioners to England, but it appearing doubtful whether her tonnage would admit of her crossing Charleston bar, they proceeded by another route. The first case of the destruction of a ship at sea which was represented by Mr. Adams, arose out of the destruction of the Harvey Birch by the Nashville. He adduced it as a reason for her not being received in a British port.

Besides these two cruisers, the confederate government owned the Tuscaloosa, a prize of the Alabama, which was equipped and commissioned from the Alabama, and with regard to which a correspondence took place at the Cape of Good Hope. The Tallahassee, which escaped from Wilmington, and on her first cruise in six days is said to have destroyed fifty-four vessels—the Tallahassee was originally the blockade-runner Atlanta, and ended her career by being reconverted into a merchantman, the Chameleon, and brought to Liverpool. The Chickamauga, formerly the blockade-runner Edith, (*Colonial Office, December* 31, 1864,) whose history is obscure, as it does not appear where she sailed from or what became of her. Besides these, there were one or two other small vessels, such as the Etta, or Retribution, which made short cruises from blockaded ports to the Bahamas and West India islands.

There was also the Olinde, or Stonewall, which sailed from Bordeaux, and which, had she been able to enter on her career as a cruiser, would have been a most dangerous adversary.

It will be seen, therefore, that the principal confederate cruisers were

not all of English origin; four of them having been regularly commissioned in confederate ports—Sumter, Nashville, Florida, and Tallahassee—and one, Stonewall, having sailed from a French port.

3. Engagement of men for the confederate service.

In each of these cases where evidence could be procured prosecutions were instituted, and where men of the naval reserve could be traced their names were erased from the naval reserve list. The cases represented were the following: Jones & Co., engagement of naval reserve men on board the Florida, Georgia, and Alabama; Campbell, of Liverpool; and enlistments for the Rappahannock.

4. Miscellaneous.

Under this head come the representations respecting the alleged confederate depots at Nassau and Bermuda; the proceedings of confederate agents in England; the lading of blockade runners in England; Emily St. Pierre; confederate agency; payment of Alabama seamen; Captain Cator's employment in blockade running; the shipment of stores for the confederate government in the Will-o'-the-Wisp; the conveyance of the Florida seamen to Nassau in the City of Richmond; the reception of the converted Sumter or Gibraltar at Liverpool; and the sale and conversion of the Georgia there.

In none of these cases could her Majesty's government interfere.

SUMMARY OF SHIPS TAKEN BY HER MAJESTY'S GOVERNMENT.

The following is a summary of the steps taken by her Majesty's government to prevent or punish breaches of the Queen's neutrality:

Proceedings taken with regard to vessels.

Five prosecuted—
1. Oreto, at Nassau.
2. Alexandra, in England and at Nassau.
3. 4. Iron-clads.
5. Canton, or Pampero.

Also orders given to detain the Alabama had she touched at Queenstown or Nassau after her evasion from Liverpool. The governor of the Bahamas was likewise instructed to watch other vessels regarding which representations had been made, as the Louisa Ann, Fanny, &c.

Prosecutions for engagement of men for confederate service.

1. Mr. Rumball. (Rappahannock,) acquitted.
2. Jones and Highat, (Georgia and Florida,) convicted.
3. Campbell, (Georgia,) convicted.
4. Seymour, Cunningham, and Buchanan, (Rappahannock,) convicted.
5. Captain Corbett, (Shenandoah,) case pending.

When it was found that such vessels as the Rappahannock and Amphion, although useless to her Majesty's navy, might be reconverted into confederate cruisers, instructions were given that no more ships should be sold out of her Majesty's navy.

Moreover, when Captain Osborne's fleet returned from China, and it was feared that the vessels composing it might fall into confederate hands,

her Majesty's government interposed both in India and in England to prevent their sale.

When the sale and conversion of the Georgia was complained of, a customs notification was published forbidding vessels of war to be sold and dismantled in British ports.

Finally, as will have been shown by the preceding statement, every representation of Mr. Adams was considered immediately on its receipt, and referred, when requisite, to the law officers or other departments of her Majesty's government, without even a day's delay.

FOREIGN OFFICE, *October* 30, 1865.

Mr. Adams to Mr. Seward.

No. 1090.] LEGATION OF THE UNITED STATES,
London, November 15, 1865.

SIR: Lord Russell has been in some haste to print the remainder of the correspondence between us, which he has done in a supplement to the Gazette of the 11th instant, a copy of which is herewith transmitted.

I have not yet had time to complete the copy of my reply, which will, I trust, put an end to the historical portion of the discussion. His lordship appears now content to rest his case upon an argument *ad hominem*, in which he shelters himself under American authority. This would not have been thought of by a British statesman of half a century since. The question now takes another turn, subject to specific instructions from which I shall not move.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Enclosures.]

Earl Russell to Mr. Adams, October 14, 1865.
Mr. Adams to Earl Russell, October 17, 1865.
Earl Russell to Mr. Adams, October 19, 1865.
Earl Russell to Mr. Adams, November 3, [2?] 1865.

[The inclosures are printed with previous dispatches, in their proper order.]

Mr. Adams to Mr. Seward.

No. 1092.] LEGATION OF THE UNITED STATES,
London, November 22, 1865.

SIR: I have to acknowledge the reception of dispatches from the department, numbered from 1576 to 1582, inclusive.

In regard to No. 1580 of the 4th of November, it did not seem to me that there was any good reason for postponing the communication to this government of the final answer to the feeble proposal of Lord Russell; so I drew it up and sent it last evening.

A copy of my note is herewith transmitted.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 21, 1865.

MY LORD: I have the honor to inform your lordship that the notes elicited by the proposal for a commission to consider certain classes of claims growing out of the late difficulties in the United States, made by your predecessor, the Right Hon. Earl Russell, in his letter addressed to me on the 30th of August last, have received the careful consideration of my government.

Adhering, as my government does, to the opinion that the claims it has presented—which his lordship has thought fit at the outset to exclude from consideration—are just and reasonable, I am instructed to say that it sees now no occasion for further delay in giving a full answer to his lordship's proposition.

I am directed, therefore, to inform your lordship that the proposition of her Majesty's government for the creating of a joint commission is respectfully declined.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1093.] LEGATION OF THE UNITED STATES,
London, November 22, 1865.

SIR: I now send you a copy of my note in reply to Lord Russell's of the 2d instant.

The more I consider the subject, the more extraordinary seems to me the reckless character of the assertion made by his lordship respecting the facts in the Portuguese case. Having access only to the printed documents—though these seem to contain all the material portions of the correspondence between the government and the Portuguese representatives—I could not deal quite so confidently with him as, with your ampler means of verification, you could have done. Yet I trust I have not hazarded anything which the facts will not sustain. The attempt to shift the responsibility for the feeble performance of an acknowledged duty by an appeal to the precedent furnished by the United States, which is misrepresented to sustain it, forms one of the memorable events of this extraordinary history. I say nothing of the unusual course of discussing the transactions of a foreign nation with an assumption of authority which breaks down at almost every step.

With this paper I gladly take leave of the controversy, so far as I may have assumed the responsibility of any share in it. It has given me much satisfaction to learn that, so far as you had been placed in possession of it at the time of writing, you were disposed to view it with approbation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 18, 1865.

MY LORD: I have the honor to acknowledge the reception of a note from your predecessor, the Right Honorable Earl Russell, dated the 2d instant, in reply to one which I addressed to him on the 18th of September last, on certain important questions now under consideration between her Majesty's government and that which I have the honor to represent. It is with the most profound regret that I am thus compelled to open my relations with your lordship in a spirit of controversy. I can only urge, in extenuation of this proceeding, the great importance of the subjects under consideration, not simply as between two countries, but from their wider bearing on the future relations of all the civilized nations on the globe. Furthermore, I flatter myself that from the contraction necessarily going on of the topics under treatment, we may before long arrive at some sort of termination of a discussion already on my part, I fear, rather tediously protracted. His lordship's note appears to be substantially confined to the consideration of two classes of facts, both of them bearing upon the establishment of one general principle of the law of nations, to wit: The obligation of a neutral country to belligerents to do everything within its power to maintain its neutrality inviolate. This obligation his lordship appears to maintain to be fully acquitted by the adoption of such measures as the neutral itself may judge sufficient, without regard to any remonstrances of the belligerents. And without entering into argument on the abstract question, he contents himself with vouching the conduct of the United States in past cases, in full justification of the course taken by Great Britain, and complained of by the United States, in the progress of the late war.

The chief of the cases relied upon by his lordship is that in regard to certain claims for indemnity for injuries done to the commerce of Portugal by vessels illegally fitted out in the United States. In order to define the nature of the question thus raised, it would seem to be proper first to note how far his lordship and I are agreed. After which it may be made more clearly to appear wherein we are so unfortunate as to differ. By consenting to cite the language and the action of the United States government in the Portuguese case so freely as his lordship does, as a precedent to justify the later course of her Majesty's government now drawn into question, it is obvious that he must have given to them the high sanction of his approbation. On my side I have already, in a preceding note, expressed it as my opinion that the grounds taken in that case by my government were impregnable.

It necessarily follows that on this point we are fully agreed. Where there is no difference it is obviously superfluous to continue an argument. Here I would beg permission to observe that in all the previous examination of this topic, I have carefully abstained from the task of affirming that a neutral power is absolutely responsible for the injurious consequences of any and every violation of neutrality that may originate within its territorial limits, without regard to the circumstances attending each case. The proposition which I have affirmed, and still do continue to insist upon, is, that a neutral is responsible for all injuries which may so ensue to a friendly nation, when it fails to exercise all the means in its power for prevention, and constitutes itself the sole judge of the extent to which it will refuse to resort to stronger ones within its reach

when the old ones are proved by the injured party to have been wholly inadequate to the emergency.

With the light shed by this explanation, I now propose very briefly to set forth those points in the respective action of the United States toward Portugal, and of Great Britain toward the United States, wherein they appear to me to differ so essentially and radically as to make it impossible to bring them within a reasonable parallel.

1. The United States did not recognize the insurgents in South America as a belligerent until the fact of the presence of their armed vessels was made patent to them on the ocean. But Great Britain did erect the insurgents in the United States into a belligerent before they showed a vessel on the sea, before they organized an army on land, and before they had done a thing but declare an intention to do what they never subsequently executed.

2. Upon the first notice given to the government of the United States that the neutrality of their ports was violated by South American insurgents, making outfits in connection with their own citizens, they immediately put in force the provisions of the existing law. Prosecutions were instituted against the foreign agents as well as citizens, and decrees of restitution were obtained from the judicial tribunals in the cases of captured property. In other words, nothing was left undone that energy could do to bring to bear existing preventive legislation against these offenders.

One particular instance of the desire to perform their obligations is worthy to be presented to your notice more particularly, inasmuch as it incidentally explains as well the public sense of the extent of the obligation of a neutral power in similar cases as of the responsibility entailed from an insufficient performance of it. It appears that some of the insurgent emissaries, in conjunction with desperate adventurers of the United States, went to the extent of seizing and occupying two different spots on the American coast, neither of them within the recognized jurisdiction of the Union, nor yet within that of any responsible power. Here they made bases from which to conduct their hostile operations against the commerce of Spain and Portugal, very much in the manner but not nearly with so much success as Liverpool in this kingdom, and the port of Nassau, were made bases of operations against the commerce of the United States by insurgent emissaries during the late war. These proceedings soon attracted the attention of the President, who dwelt upon the necessity of adopting prompt measures of prevention in his annual recommendations to Congress in the year 1817. The matter was referred in course to the consideration of a committee of the House of Representatives, which made a report recommending that these establishments should be at once suppressed, by force if necessary.

Among the reasons given for resorting to this summary proceeding are the following, to which I ask a moment of your lordship's attention:

"The immediate tendency of suffering such armaments in defiance of our laws would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and, *if not checked by all the means in the power of the government*, would have authorized claims from the subjects of foreign governments for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and, as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them."

It would be difficult to express in more forcible language the principle

established by the law of nations than is done in these sentences. The action recommended was, moreover, performed so promptly that, soon after, the President, in a special message, was enabled to announce that the piratical establishments at Amelia Island and at Galveston had been suppressed. The paramount necessity had been thought to justify the exercise of power even over territory not within the national jurisdiction.

But when I turn my attention to the proceedings of her Majesty's government as they are noted in the dreary list of my representations and complaints contained in the printed memorandum furnished to me, with his lordship's note of the 2d instant; when I perceive real justice to have been so seldom done and so often defeated, however good the intentions may have been; when I note the omissions of all reference to the endless remonstrances made by myself against the establishment of a naval bureau at Liverpool, conducted by insurgents, mentioned and particularized by name, because not a single step was ever taken either to prevent their action or to punish them, I cannot but be sensible of a difference in the preventive action of the two countries in similar circumstances which would ever forbid me from classing them together in one connection for a single moment.

3. It is not, however, denied that in the one case, as in the other, several cases of illegal outfits took place which the existing laws proved inefficient to prevent or punish.

In that of the United States, the representation of the aggrieved power made at once a direct appeal to the government, stating the cause of the difficulty, and soliciting a new movement for the purpose of obtaining from the requisite source stronger powers of prevention; to which that government immediately responded by recognizing the justice of the complaint and at once adopting the suggestion.

If her Majesty's government has at any time in this struggle followed that example, it has escaped my observation. I should be glad to be corrected when I affirm that it has done the directly opposite thing.

Here I may be permitted for a moment to refer to a passage of his lordship's note, which appears to have been called out by a hypothetical description I ventured to give of the consequences that might ensue to the world if neutral nations constituted themselves the sole judges of the degree in which they had done their duty under a code of their own making.

To this phrase his lordship is pleased to retort as follows:

"Yet, as far as I can judge, your Secretaries of State always maintained that the United States, as a neutral power, were the sole judges of the degree in which it had done its duty under a code of its own making."

To which I would beg permission to observe that his lordship can scarcely presume me to maintain that in the literal sense my country does not make its own code of laws.

What I did mean to do was to distinguish by this term a country which was ready to accept suggestions from foreign powers for an improvement of a code designed to give the protection they are entitled to by treaties, as well as international law, from one which determined to abide by its own system, without regard to external representations. By keeping in mind this distinction in connection with the facts already stated of the action of my government, it will then appear that his lordship is in error when he declares "that our Secretaries of State (meaning those of the United States) made themselves the sole judges of the degree in which the country had done its duty under a code of their

own making." So far was this from being true that they admitted that the country had not done its full duty, and they proceeded to amend the code, at the suggestion of a foreign power that claimed to be aggrieved. "Hence it is that the code was not of their own making."

If there be a shadow of doubt left on this point, I will proceed to disperse it by the following extracts:

On the 20th of December, 1816, Mr. Correa de Serra addresses these words to the Secretary of State:

"I apply, therefore, to this government in the present instance, not to raise altercations or to require satisfaction which the Constitution of the United States has not, perhaps, enabled them to give, but because I know that the supreme executive of this nation, all-powerful when supported by law, is constitutionally inactive when unsupported by it. What I solicit of him is the proposition to Congress of such provisions by law as will prevent such attempts for the future."

To which application Mr. Monroe, then Secretary of State, replies as follows, on the 27th of December, 1816:

"I have communicated your letter to the President, and have now the honor to transmit to you a copy of a message which he has addressed to Congress on the subject, with a view to obtain such an extension by law of the executive power as will be necessary to preserve the strict neutrality of the United States in the existing war between Spain and the Spanish colonies, and effectually to guard against the danger in regard to the vessels of your sovereign, which you have anticipated."

And on the 13th of March Mr. Rush, then Acting Secretary, writes to him as follows:

"The act of Congress, passed on the 3d of this month, to preserve more effectually the neutral relations of the United States, *being upon the subject brought under consideration in your letter to this department of the 20th of December last*, I have the honor, by direction of the President, to transmit for your information the inclosed copy of it.

"The President feels sure that your sovereign will perceive in the spirit and scope of its provisions a distinguished proof of the desire which animates this nation to maintain with his dominions and subjects the most harmonious relations."

But when I turn to the other side of the picture and view the action which her Majesty's government has thought it proper to take in answer to similar representations made by me on behalf of my government; when I observe that the appeals to the existing law have been almost uniformly of a kind to prove its utter inefficacy; and when, upon my making representations as to the expediency of further legislation to enlarge the powers of the government to an extent adequate to the emergency, I find that proposal positively declined, it seems to me that here again the parallel sought to be made utterly fails.

I would respectfully ask whether, in the correspondence just laid before your lordship, there be any language similar to that which his lordship, in one of the notes which he did me the honor to address to me, used to me:

"Surely we are not bound to go on making new laws *ad infinitum*, because new occasions arise."

Here I would respectfully submit that if his lordship be right in his assertion that new laws *ad infinitum* are not required by new occasions, it is difficult to explain the reason for the existence of so many legislative bodies and such multiplied statute books. Surely the government which I represent would not have so repeatedly acceded to the solicita-

tions of her Majesty's government, as it has done, to "make new laws for new occasions," under any other plea.

But I am in candor bound to observe that even in this doctrine there has been during the late struggle a singular variation in the practice of her Majesty's government, which I ask your lordship's permission to point out. At a very early date the exposed nature of the frontier bordering upon Canada became so much a subject of anxiety to my government that I was instructed to bring the matter to the attention of his lordship, with a view to the establishment of more effective preventive measures on the Canadian side than were thought to be then within reach. To that end, in the early part of December, in 1863, in a conversation which I had the honor to hold with his lordship, after explaining the reasons of my government for the danger apprehended in this quarter, I proceeded to propose the adoption of a form of law, on the part of Canada, resembling that which had been enacted on our part in 1838, to meet a similar emergency then happening there. It is true that for a considerable period I had no reason to presume that this proposal had been more favorably received than any other of the same kind I had been called to make; but when, one year later, information was received of the extreme peril into which Canada had been thrown by the violent enterprise executed by some of the insurgents established in that province upon the peaceful town of St. Albans, I then had the satisfaction of learning from his lordship that the suggestion had been adopted so far as that her Majesty's government had recommended to the authorities of Canada to procure the enactment of the suggested law. In this case, then, it is clear that the imminent danger of a rupture between the two countries had brought on an acknowledgment of the necessity of going on to "make a new law to meet a new occasion." But surely her Majesty's government would not be willing to give even a color to an inference that nothing but a necessity to avoid a war would be a sufficient motive to induce it to recognize an obligation to make a new law. If the reasons for the suggestion were equally valid in all cases, I fail to perceive upon what principle the nature of the answer should be made to depend upon the merely accidental pressure of the circumstances attending the moment when it was made.

Without pressing this topic further, I would then beg to observe that in any event, however the facts attending the Portuguese claim as now explained may be viewed, one thing is indisputable, and that is that there is a wide divergency in the nature of the two cases sought to be brought together.

It is plain that neither in the commencement nor in the proceedings under the existing laws, nor yet in the mode of treating the suggestion of new legislation, was there any resemblance whatever in the tone or the action of the respective governments. Hence I am constrained to arrive at the conclusion that, whatever may be thought of the conduct of the government of the United States in its relations toward Portugal, there is no parallel to it in that of Great Britain toward the United States, by which the latter may be tested in the way of justification. Considered as a precedent, for which alone the case seems to have been quoted by his lordship, I must insist that the evidence entirely fails to establish its authority.

On a general review of these marked differences, considered in the light of the rule of international law laid down at the outset of this letter, it may now be said that one government appears to have done all that it was reasonably asked to do, and that it could do, to preserve its neutral-

ity, whilst the other certainly could have done more, but deliberately refused, and accepted the responsibility for that refusal.

Hence, I must respectfully submit that, before his lordship concludes to adopt the language used by the United States in answer to Portugal, he should be prepared with proof to show that he has likewise adopted the action on which they based it.

I should here gladly close my portion of this long controversy if it were not that his lordship has, in his note to which I now have the honor to reply, thought fit to open a new matter which I cannot decline to notice. It has happened in the course of this extended discussion that he has, on more than one occasion, deigned to give me the fruits of his examination of various points of history in my own country. In the first instance, his lordship was pleased to apprise me that Spain had never received any compensation for the claims of her citizens against the United States. By the aid of a little light I think I succeeded in dispersing that illusion, so that it has not been made to appear again. Again, his lordship was pleased to inform me that the enlistment acts of the respective countries were, in their main provisions, similar and coextensive. Here I respectfully pointed out to his attention the fact that certain important provisions were contained in the one that were not to be found in the other—provisions which we at least regarded as having proved, in practice, the most efficient in the whole law.

His lordship, in the note to which I am now replying, has been kind enough to take notice of this difference, and goes on to describe the nature of the provisions he had overlooked. But it appears to be only for the purpose of trying to convince me that, in my statement of their superior efficacy, I am utterly wrong. Hence, the argument appears to follow somewhat after this fashion:

His lordship having proved to his satisfaction that those provisions of the law which her Majesty's government did not adopt were as susceptible of evasion as all the others which it did adopt, it must necessarily follow that her Majesty's government were fully justified in declining a proposal to make any amendment whatever of its existing statute.

To which I would respectfully venture to reply, that even had the result proved to be as supposed, yet the position of her Majesty's government, if it had consented to make the experiment, would have been, at least to my eye, infinitely stronger than it is now. It might then have replied to all complaints as the United States replied to Portugal—that everything in its power had been done, even to the extent desired by the complaining party. Whereas, by a refusal to recognize the justice of the request, it appears to have placed itself in the attitude of a party deliberately assuming the responsibility of declining to use those powers legitimately within its reach wherewith to fulfill its most imperative obligations.

But I am constrained to go further, and affirm that I can by no means subscribe to the opinion which his lordship is pleased to express as to the ineffective nature of the provisions of the law to which he has referred. It is not without extreme surprise that I find him use the precise language respecting it which I beg permission here to quote:

"Now I contend, first, that for ten years these provisions proved utterly inefficacious to prevent the fitting out of privateers at Baltimore, as shown by the fact that the complaints of the Portuguese ministers of capturing and plundering by American privateers were more frequent, and extended to a larger amount of property after 1818 than they had done from 1816 to 1818."

It is difficult for me to describe the high degree of astonishment with which I have read these lines.

In opposition to this grave affirmation of fact, which, I must beg leave to observe, no attempt is made to sustain by any distinct evidence, I am driven to take the liberty to affirm, on my own side, first, that there is not a tittle of specification to show that the fitting out of privateers continued, in any appreciable sense, for ten years after the year 1818; and, secondly, that no pretense of that kind is to be found in any of the official remonstrances of the representatives of Portugal, to which I have had access, with one single exception, which I propose presently to notice.

In relation to the point of the efficiency of the law, I shall venture, in opposition to his lordship's reasoning as to what it might be, to confront that which, in the mind of Mr. Correa de Serra, the person through whom all the transactions passed during much the largest part of the period in question, and who had every opportunity to be familiar with them, it really was.

On the 4th of February, 1819, about two years after it had gone into operation, he deliberately used the following language:

"This law, so honorable to the spirit of justice of the government that enacted it, *has also been found in practice the most useful of the laws existing on this subject.* Unhappily, the continuance and aggravations of the evil it was intended to remedy seem to render it necessary that this law may still continue in force for some time.

"I apply, therefore, to this government, in order to obtain the continuance of this law, *so necessary to the peaceful trade of the subjects of my sovereign, and so honorable to the character of the United States*, perfectly confident that my request is according to the just and friendly intentions of the Chief Magistrate and legislators of the Union, and conducive to the consolidation of good harmony between my sovereign and the United States."

On the 4th of June, 1820, he again writes to the Secretary of State as follows, thanking him for still more effective legislation:

"Permit me, sir, to profit of this occasion to offer my thanks to this government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore in foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations."

Notwithstanding the very great deference with which it is my desire, as well as my habit, to bow to the judgment of his lordship, if I find myself so unfortunate as to be constrained to express an humble opinion in this case of conflicting authority, I cannot, in candor, disguise my conviction that the correct view is most likely to be that of Mr. Correa de Serra.

But, however efficient this law may have been proved to be by Mr. Correa de Serra at so late a date as the 4th June, 1820, it is now gravely affirmed that it so wholly lost its efficacy for the ten years following that more property was captured after 1818 than before, and the complaints of the Portuguese ministers for these captures and plunderings were more frequent than ever.

The natural corollary, should this statement be sustained, would be that, assuming the exertions of the government to have continued the same, instead of improving the efficacy of the old law, the addition of the new provisions must have only made it more worthless than it was before—upon which logic might doubtless be based a very good justifi-

cation to her Majesty's government for declining to try further legislation altogether.

But, unfortunately, the whole argument falls to the ground when its base disappears. It is not denied that some outfits escaped from Baltimore after the year 1818, but it is denied that the complaints made for captures after that time bore any fair proportion to those made before. It never has been pretended that any law could be made so perfect, or any vigilance could be so complete, as to put an end to the efforts of profligate and desperate men. The grave error into which his lordship has fallen appears to have originated in an *ex parte* letter written by a minister from Portugal at Washington, thirty years after the date of the events, in which letter, and the caption of a list embracing the names of vessels captured, he includes them vaguely within two distant dates, of 1816 and 1828. It is, however, remarkable that in the letter itself, containing his own recapitulation of the facts, no date of a capture is given later than 1820. By turning to the original representations made by his predecessors, the same fact distinctly appears.

I have carefully examined those representations to trace the dates of the claims embraced in that list, and find much the greater proportion included within the period of residence of Mr. Correa de Serra, ending in that year. So also of the gross amount of value assigned in 1850 as an indemnity for all the damage done during the entire period, which is less than £300,000; I find a great proportion embraced in an early and more trustworthy representation made by the same person.

Such being the facts, I submit whether with such small support as can be given by this wholly *ex parte* and vague averment, his lordship has not a little crossed the verge of international courtesy, by venturing, without any personal experience whatever of American legislation, and in the face of the statement of M. Correa de Serra, which he must have read to hazard an assertion, still more give rise to an impression like that necessarily produced by the language already quoted. Standing, as I do, the defender of the law of my country, it is with regret that I am compelled to protest against it as wholly unsubstantiated by any facts adduced, and in every essential particular incorrect.

Neither were those the only cases in which the efficacy of these provisions of law has been fully testified. It is not a very long time since I had the honor of calling the attention of her Majesty's government to an instance of the remarkable promptness with which action was had under them upon a request made by the representative of her Majesty's government at Washington. When Mr. Crampton, on the 11th of October, 1855, directed the attention of my government to the character of a vessel* in New York then believed by him to be fitting out as a privateer, it was by virtue of the authority vested in it by one of the sections of this law that she was seized on the 19th of the same month, and taken possession of by the officers of the law in such a manner as to prevent all possibility of escape. It required but four days to prosecute the investigation before her Majesty's representative was led to declare his satisfaction with the result to which it had reached, and desired the process to be stopped. When I compare the celerity of this effective proceeding with the feeble nature of the process that ended in the escape of the Alabama in defiance of the British authority—whilst I give due credit to her Majesty's government for good intentions, it seems difficult to assent to the view which his lordship has been pleased to take of the slight difference in the inefficacy of the legislation of the

* Case of the bark Maury, see General Appendix, No. 4.

respective nations. In any event, I cannot but think their future harmony would have been much more certainly secured by a consent to try the experiment in season, than by an endeavor, after great injury has been done, to prove that it might not, under circumstances, have been averted.

But it would appear superfluous to pursue this investigation further in view of the fact that, whether these provisions of the American law were or were not effective, it never was any part of my instructions to urge their adoption upon her Majesty's government. I was instructed only to suggest the expediency of having recourse to such additional measures as it might think proper to choose, to the end of making the laws of Great Britain more effective. And it was in that form only that her Majesty's government decided to decline the proposal. The decision was not against the adoption of the law of the United States; it was against doing anything at all.

Neither in presenting the argument, which I have been called to do in the course of my duty here, can I for a moment permit an implication that my government has either "made a demand which aims at the diminution of British freedom, or which assumes, without warrant from any previously recognized authority or practice, the existence of an extent of obligation on the part of neutrals toward belligerents, going beyond any which the government of a free country could have power, though acting with entire good faith, punctually to fulfill."

I feel very sure that my country is quite as jealous of the preservation of the true principles of freedom as Great Britain is, or ever has been; and further, I fully believe that neither government would consent to give the term that latitude which would encourage the power of doing wrong with perfect impunity.

The suggestion which his lordship has been pleased to make towards the close of his note, of improvements in the statutes of both nations, to the end that greater security may be given to the respective nations against those who endeavor to evade its laws—though it appears to me to be in substance little more than it has been the object of my government from the outset of the war to obtain—is yet one which I cannot but receive with great respect, and which I shall transmit to my government with pleasure. If the reasons for it are sound now, I am at a loss to perceive why they did not avail during a period when my country could have felt the benefit of them. I trust I need not repeat how much pain it has given me heretofore to witness the evil consequences that ensue from the alienation of sentiment that has grown out of this struggle between people of the same race, and how cheerfully I welcome every appearance of a desire to bring them back to harmony. Yet, with regard to the proposition immediately before me, I cannot forbear to observe that it is predicated upon an assumption that the legislation of the two countries is now equally inefficacious, which I cannot entertain for a moment. On the contrary, the necessity for some action in future seems to me to be imperative, because that legislation, as it now stands, is not coextensive.

For it is hardly possible for me to imagine that the people of the United States, after the experience they have had of injuries from the imperfection of British legislation, and a refusal to amend it, would be ready cheerfully to respond to another appeal like that made in 1855, by her Majesty's representative, to the more stringent and effective protection extended by their own. The great preservative of harmony between nations is the full recognition of reciprocity in their obligations. So long as the heavy list of depredations upon American commerce, con-

sequent upon the issue of a succession of hostile cruisers, built, fitted out, armed, manned, and navigated from British ports, with perfect impunity, continues to weigh upon their minds, it would be the height of assurance in me to hold out any encouragement to the acceptance of proposals the practical consequence of which might be to place Great Britain in precisely the same degree of security in dangerous emergencies which she herself, when applied to, had deliberately refused to accord to them.

In regard to the parting words in his lordship's note, I have already too often had occasion to express the sentiments of my government to leave any doubt of the sense in which I accept them.

In the performance of a duty which has been too often painful, whilst his lordship has been officially the person to whom it has been my lot to address my representations, I have been steadily cheered by the conviction that he was substantially animated by the feeling that prompted those lines. I have the greatest pleasure in believing that in assuming the duties of his post, under his auspices, my country may rest satisfied that the accession of your lordship has brought about no unfavorable change.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1105.] LEGATION OF THE UNITED STATES,
London, December 6, 1865.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Clarendon on the 2d instant, in acknowledgment of mine to him of the 18th of last month, in reply to Lord Russell's valedictory.

Thus I trust that we have reached the term of the controversial struggle. I concur in the opinion of his lordship that it was time to bring it to a close.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 2, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, having reference to the letter which my predecessor addressed to you on the 3d ultimo.

There are many statements in your letter which I should be prepared to controvert if it were not that her Majesty's government consider that no advantage can result from prolonging a controversy of which the topics are generally exhausted, and which might possibly, if continued, introduce acrimony into the relations between this country and the United States, two nations who, from kindred origin and mutual interests,

should desire to be knit together by bonds of the closest friendship. Such a desire is strongly felt by the government and people of this country, and her Majesty's government do not doubt that it is shared by the government and people of the United States.

While abstaining, therefore, from any discussion of the passages in your letter to the correctness of which I am unable to subscribe, it is nevertheless my duty, in closing this correspondence, to observe that no armed vessel departed during the war from a British port to cruise against the commerce of the United States, and to maintain that throughout all the difficulties of the civil war by which the United States have lately been distracted, but in the termination of which no nation rejoices more cordially than Great Britain, the British government have steadily and honestly discharged all the duties incumbent on them as a neutral power, and have never deviated from the obligations imposed on them by international law.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1626.] DEPARTMENT OF STATE,
Washington, December 14, 1865.

SIR: Your dispatch of the 22d of November, No. 1093, has been received. It is accompanied by a copy of the note which you addressed to Lord Clarendon on the 18th of November, in rejoinder to Earl Russell's note to you of the 2d of that month. Your argument contained therein is regarded as accurate and just.

I am directed by the President to approve of the views which you have expressed in regard to a proposition made by Earl Russell for a concurrent revision by the two governments of their legislation upon the subject of the neutrality laws. You will therefore inform Lord Clarendon that the United States do not incline towards an acceptance of Earl Russell's proposition.

I am sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1629.] DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR: I have to acknowledge the receipt of your dispatch of the 22d November, No. 1092, which is accompanied by a copy of your note of the 21st ultimo, to Lord Clarendon, in answer to Earl Russell's proposition for a commission to consider certain classes of claims growing out of the late difficulties in the United States.

It gives me pleasure to say that your instructions upon this subject have been properly and satisfactorily executed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1115.] LEGATION OF THE UNITED STATES,
London, December 21, 1865.

SIR: I have received from Mr. Graham, the consul of the United States at Capetown, a letter dated the 13th November, reporting a proposal made to him by her Majesty's naval commander at Simon's Bay, to deliver to him the Tuscaloosa, which has been lying there so long. I presume that Mr. Graham has already reported the facts directly to the department. Hence it will be only necessary for me to say that in answer to his application to me for instructions, I replied by approving the course he had taken in agreeing to take the vessel, on behalf of the government, for the private owners, with an express reservation of all claims on the British government for damages of any kind by reason of the capture and long detention.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 1, 1866, p. 163.]

No. 23.

The Earl of Clarendon to Sir F. Bruce.

FOREIGN OFFICE, *December* 26, 1865.

SIR: Mr. Adams called upon me by appointment, and read and left with me a copy of a dispatch from Mr. Seward respecting the Shenandoah, and the surrender of that ship to the United States authorities.

I inclose a copy of the dispatch.*

I told Mr. Adams that my sincere desire to do and say nothing that could impair our friendly relations with the United States alone prevented me from replying to the dispatch at once, and in the terms which I thought it deserved; and that if it was answered it would be so in writing. Mr. Adams said that it was the course which he expected I should take.

A lengthened discussion then ensued as to the manner in which the obligations of neutrality had been performed by this country during the late civil war. It was conducted without acrimony, and was put an end to by myself, as leading to no useful or practical result.

I, however, asked Mr. Adams whether it would not be both useful and practical to let bygones be bygones, to forget the past, and turn the lessons of experience to account for the future. England and the United States, I said, had each become aware of the defects that existed in international law, and I thought it would greatly redound to the honor of the two principal maritime nations of the world to attempt the improvements in that code which had been proved to be necessary. It was possible, I added, that the wounds inflicted by the war were still too recent, and that the ill-will towards England was still too rife to render such an undertaking practicable at the present moment; but it was one

* For inclosure see dispatch from Mr. Seward to Mr. Adams, No. 1612, November 30, 1865, under "Rebel Cruisers," subdivision "Shenandoah," page 469.

which ought to be borne in mind, and that was earnestly desired by her Majesty's government, as a means of promoting peace and abating the horrors of war; and a work, therefore, which would be worthy of the civilization of our age, and which would entitle the governments which achieved it to the gratitude of mankind.

Mr. Adams, in reply, said the law of England, in its international application, stood greatly in need of amendment; but he gave me no encouragement to expect that his government would co-operate with that of her Majesty in the course of proceeding which I had suggested.

You will, however, avail yourself of such opportunities as you may think fitting to bring the subject under the consideration of Mr. Seward or the President, and you can neither exaggerate the importance attached to it by her Majesty's government or the satisfaction it would give them to co-operate with the government of the United States in a work of which the benefit would be universal.

I am, &c.,

CLARENDON.

Mr. Adams to Mr. Seward.

No. 1119.] LEGATION OF THE UNITED STATES,
London, December 28, 1865.

SIR: I have the honor to transmit a copy of the supplement to the London Gazette, of the 22d instant, which contains the remainder of the correspondence between the foreign secretary and myself on the controverted question now pending between the two nations. It has naturally given occasion to less of commentary in the public press than the earlier portion, which really embraced all the elements for a judgment. The only leader which seems to deserve your attention is that contained in the Times of the 25th instant, a copy of which I transmit. You will perceive in it a renewal of the suggestion of a commission which may or may not have its origin in higher quarters. I am well convinced that the present position of the government is not regarded as at all satisfactory. Vague intimations have reached me of some intention to bring the subject formally before Parliament at an early period of the session. Whilst I place no dependence upon these, I think it my duty to mention the fact as more or less indicative of the state of opinion here.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Inclosures.

1. Mr. Adams to Earl Russell, October 21, 1865.
2. Earl Russell to Mr. Adams, October 25, 1865.
3. Mr. Adams to the Earl of Clarendon, November 7, 1865.
4. The Earl of Clarendon to Mr. Adams, November 7, 1865.
5. The Earl of Clarendon to Mr. Adams, November 11, 1865.
6. Mr. Adams to the Earl of Clarendon, November 14, 1865.
7. The Earl of Clarendon to Mr. Adams, November 17, 1865.
8. The Earl of Clarendon to Mr. Adams, November 18, 1865.
10. Mr. Adams to the Earl of Clarendon, November 21, 1865.

The foregoing are printed under the subdivision "The Shenandoah," *ante;* and the following will appear in their proper order in this division:

9. Mr. Adams to the Earl of Clarendon, November 18, 1865.
11. Mr. Adams to the Earl of Clarendon, November 21, 1865.
12. The Earl of Clarendon to Mr. Adams, December 2, 1865.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, February 14, 1866.

SIR: Your confidential letter of the 21st of December arrived here at a time when I was abroad on a short excursion for health to the West Indies. Accumulated correspondence has delayed the attention which I should have been pleased to have given to your letters at an earlier day since my return. I give to this paper, which has been submitted to the President, the form of a confidential reply, upon which you will act in every case in your own consideration. There is not one member of this government, and, so far as I know, not one citizen of the United States, who expects that this country will waive, in any case, the demands that we have heretofore made upon the British government for the redress of wrongs committed in violation of international law. I think that the country would be equally unanimous in declining every form of negotiation that should have in view merely prospective regulations of national intercourse, so long as the justice of our existing claims for indemnity is denied by her Majesty's government, and those claims are refused to be made subject of friendly but impartial examination.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1151.] LEGATION OF THE UNITED STATES,
London, February 15, 1866.

SIR: On a closer examination of the contents of the parliamentary document containing the correspondence relative to the Shenandoah, than I had been able to give at the moment when I transmitted copies to you last week, I find, to my surprise, that Lord Clarendon, immediately after my conversation with him of the 20th of December last, reported by me to you partly in my dispatch No. 1112, of the 21st of the same month, and partly in a confidential letter, sent to Sir Frederick Bruce, in a dispatch dated the 28th* of that month, instructions formally to submit to you the same proposition which he had presented to me in that conference, and which I had then suggested to him not to offer in that way. The objection to this course, as necessitating you at the outset to bring forward the obstacle presented in the impossibility of abandoning our claims, and in their absolute rejection of them, was so obvious that I saw no method of reaching any useful result excepting

* This date is wrong; it is printed under the date of December 26, 1865, *ante.*

through an informal preliminary tentative process, absolutely committing neither party, by which some notion might be reached of the precise extent to which each was willing publicly to go in order to reach some common ground of negotiation. From a few words that dropped from his lordship in our conversation, I rather inferred that he had in his mind the possibility of making concessions of some sort from the position taken by Lord Russell, provided they should not appear derogatory to the national dignity. This was the only thing that gave me the smallest hope of making something out of his overture. But that hope appears to be entirely destroyed by the course now resorted to. The language of his letter to Sir F. Bruce clearly implies that recurrence to the past makes no part of his plan. If this be the true meaning, then the British government will have done nothing to emerge from its former awkward position of soliciting protection for itself in certain future emergencies against the hazard of a retort of its own past policy, without conceding that it had failed in any of its own obligations heretofore. We are expected to abandon the whole ground of the justice of our complaints at the same time that we shut ourselves off from all future chance of profiting by their own policy, thus conceded to have been permissible under the existing state of international law. The public presentation of such an overture, if attended with no private explanation, would seem, therefore, only like inviting a formal reply, which would more completely than ever block up the last avenue to reconciliation.

Of course, I write without knowledge of any instructions that may have accompanied this letter to Sir Frederick Bruce. Hence, there may be something unseen by me to soften the character of this transaction. But from my point of view I am at a loss to explain the reasons for it excepting in one way. It may be that the cabinet were unwilling to meet the new Parliament without having something or other to show in qualification of the absolute and abrupt stopper put upon the whole matter by Lord Russell. That step is very generally felt to have been a mistake. It may be that this is the mode chosen by which to appear to retract it, and at the same time to throw upon us an absolute necessity of assuming the same position. It is scarcely possible to believe, after their experience of the last four years, they could imagine us not in earnest in maintaining the stand we had chosen to take, and not likely to abandon it from the force of opposition. Hence the answer to a proposition publicly made in the form chosen by Lord Clarendon could scarcely have been expected to be other than an equally formal negative. Consequently the end sought must have been that what odium might attach in this country to the fact of shutting off the last avenue to a settlement of existing difficulties would be shifted from them to us.

The idea is now started in private circles here, that, after all, the questions raised in the late controversy are not susceptible of arrangement excepting through a general conference of representatives of the maritime powers. Hence, it is not impossible that some proposition of the kind may be started from other quarters, but in the interest of this country, as the only remaining mode of disposing of the matter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1700.] DEPARTMENT OF STATE,
Washington, March 5, 1866.

SIR: I have to acknowledge the receipt of your dispatch of the 15th of February, No. 1151. I have taken pains to recur to the dispatch in the Blue Book of Lord Clarendon to Sir Frederick Bruce, to which you have now referred me. I find that in that publication it bears the date of December 26, not December 28, as you have described it. Either Sir Frederick has, in the exercise of his discretion, refrained altogether from bringing the dispatch to my notice, or else he has done so only in so purely a conversational and informal manner as to leave no real impression upon my mind. Whatever I may have said upon the matter to him has been in exactly the same terms in which I treated the same suggestion now found in the aforesaid dispatch when it was presented by you in your confidential note. I see now no reason for apprehending that we shall at any time or under any circumstances be willing to negotiate for future contingencies without having first due regard paid to our past injuries and damages. I shall make Sir Frederick Bruce acquainted with the contents of this paper. He is frank and honorable, while he is discreet and devoted to his government.

I will not anticipate the possibility of extreme suggestions by other maritime powers for consultation. Such proceedings have a certain attraction for minds of a doctrinal character. The idea of a congress of the maritime powers held a considerable preoccupation of a portion of the press last summer, but exhausted itself then, and has not since revived.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1798.] DEPARTMENT OF STATE,
Washington, July 7, 1866.

SIR: Your dispatch of the 21st of June, No. 1219, has been received. We wait with considerable interest the reorganization of the British ministry, which seems now to have become imminent.

In view of many unsettled questions at home and abroad, the public here, in December last, seemed to be content that the government should wait patiently for some new political conjuncture in which to reassert our claims for indemnities for the neglect and violation of neutrality permitted by her Majesty's ministers during the recent civil war. * *

Under the influence of these cheerful expectations, it is not unnatural that the people of the United States should now again, and more earnestly than heretofore, fix their attention upon the important question of the before-mentioned claims, which her Majesty's government have hitherto preferred to leave to be adjourned in a condition productive of endless discontent and irritation. In regard to these, you are well aware that the opinions and sentiments of the administration are entirely those of the American people.

* * * * * * It would seem desirable that her Majesty's government, if they should think fit, should initiate such discussions as have become necessary. If, however, they shall omit to do so, it is expected to become the duty of this department to convey to you soon the President's instructions thereupon.

We shall be obliged if, in the meantime, you sound the principal secretary of state for foreign affairs, and give us your opinion in regard to the probability, if any, that her Britannic Majesty's government may voluntarily direct its attention to the subject of our claims which arose during the civil war, without waiting a direct reminder on our part.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

[Extract.]

No. 1801.] DEPARTMENT OF STATE,
Washington, *July* 14, 1866.

SIR: I have to acknowledge the receipt of your dispatch of the 28th of June, No. 1223, in which you announce the resignation of Earl Russell's government.

It pleases us to have your opinion that the change of ministers will not materially affect the diplomatic interests of the United States. Of course we shall expect you to wait, with entire respect and kindness, the organization of the new government before pressing upon it the matters upon which you have lately received special instructions.

I think it necessary, however, to add that it is deemed highly important here that the earliest possible attention of the incoming ministry shall be recalled to the points relating to our matters in Ireland, nor is it less important to have as prompt a reply as you can enable yourself to make to my No. 1798. * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 1244.] LEGATION OF THE UNITED STATES,
London, *July* 26, 1866.

SIR: I have to acknowledge the reception of dispatches from the department, numbered from 1796 to 1800, inclusive.

* * * * * * The government is now fully reorganized, and although its durability may be reasonably doubted, there is no cause in my mind why its disposition to reconsider the course of its predecessor should not be tested whilst it lasts. In connection with this, I transmit a report of what was said in the House of Commons by Lord Stanley, on Monday night, in reply to

a question proposed by Mr. White, the member for Brighton, who has always been friendly to America. Although carefully guarded, it seems to me that the idea of a reopening of the topic is implied as well in his language as in the investigation which has been set on foot.

It had been my intention yesterday, on a casual visit to the Foreign Office for a different purpose, to obtain a moment's interview with his lordship, in order to sound him on this point, and perhaps to communicate to him the substance of your dispatch, but, unluckily, he had just left to go to the House of Commons. This will render it necessary to apply for a conference, which I propose to do to-day.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For inclosure see Parliamentary and Judicial Appendix, No. 25.]

Mr. Seward to Mr. Adams.

[Extract.]

No. 1819.] DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: I have your dispatch of the 12th instant, No. 1235. It gives us pleasure to learn that you find Lord Stanley exhibiting a friendly spirit with regard to the relations between the United States and Great Britain.

Sir Frederick Bruce, the British representative here, is, I think, deeply impressed with the necessity of arriving, by some means, at a better understanding than has hitherto existed concerning the claims of our citizens for indemnities for injuries sustained during the war.

* * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c. &c.*

Mr. Seward to Mr. Adams.

No. 1835.] DEPARTMENT OF STATE,
Washington, August 27, 1866.

SIR: You will herewith receive a summary of claims of citizens of the United States against Great Britain for damages which were suffered by them during the period of our late civil war, and some months thereafter, by means of depredations upon our commercial marine, committed on the high seas by the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war, which were built, manned, armed, equipped, and fitted out in British ports, and dispatched therefrom by or through the agency of British subjects, and which were harbored, sheltered, provided, and furnished as occasion required, during their devastating career, in ports of the realm, or in ports of British colonies in nearly all parts of the globe.

The table is not supposed to be complete, but it presents such a recapitulation of the claims as the evidence thus far received in this department enables me to furnish. Deficiencies will be supplied hereafter. Most of the claims have been from time to time brought by yourself, as the President directed, to the notice of her Majesty's government, and made the subject of earnest and continued appeal. That appeal was intermitted only when her Majesty's government, after elaborate discussions, refused either to allow the claims, or to refer them to a joint claims commission, or to submit the question of liability therein to any form of arbitration. The United States, on the other hand, have all the time insisted upon the claims as just and valid. This attitude has been, and doubtless continues to be, well understood by her Majesty's government. The considerations which inclined this government to suspend for a time the pressure of the claims upon the attention of Great Britain were these:

The political excitements in Great Britain, which arose during the progress of the war, and which did not immediately subside at its conclusion, seemed to render that period somewhat unfavorable to a deliberate examination of the very grave questions which the claims involve.

The attention of this government was, during the same period, largely engrossed by questions at home or abroad of peculiar interest and urgency. The British government has seemed to us to have been similarly engaged. These circumstances have now passed away, and a time has arrived when it is believed that the subject may receive just attention in both countries.

The principles upon which the claims are asserted by the United States have been explained by yourself in an elaborate correspondence with Earl Russell and Lord Clarendon. In this respect, there seems to be no deficiency to be supplied by this department. Thus, if it should be the pleasure of her Majesty's government to revert to the subject in a friendly spirit, the materials for any new discussion on your part will be found in the records of your legation, properly and duly prepared for use by your own hand. It is the President's desire that you now call the attention of Lord Stanley to the claims in a respectful but earnest manner, and inform him that, in the President's judgment, a settlement of them has become urgently necessary to a re-establishment of entirely friendly relations between the United States and Great Britain.

This government, while it thus insists upon these particular claims, is neither desirous nor willing to assume an attitude unkind or unconciliatory towards Great Britain. If on her part there are claims, either of a commercial character, or of boundary, or of commercial or judicial regulation, which her Majesty's government esteem important to bring under examination at the present time, the United States would, in such case, be not unwilling to take them into consideration in connection with the claims which are now presented on their part, and with a view to remove at one time, and by one comprehensive settlement, all existing causes of misunderstanding.

In asking an early attention to the subject, it is supposed that you may, with propriety, dwell upon some of its important features, which, although they have heretofore been indicated by you, may nevertheless not hitherto have sufficiently engaged the attention of the British government.

In the beginning of the year 1861, the people of the United States had, by means of commercial enterprise at home and abroad, built up and realized the enjoyment of a foreign trade second only among the

nations, and but little inferior to that of Great Britain. They had habitually refrained from wars, and especially from intervention in the political affairs of other nations. Mutual recollections of ancient conflicts which for three-fourths of a century had held the two countries in a state of partial alienation and irritation had subsided, and what was supposed to be a lasting friendship had been established between the United States and Great Britain; at this moment a domestic disturbance rose in our country, which, although it had severe peculiarities, yet was in fact only such a seditious insurrection as is incidental to national progress in every state.

In its incipient stage, it was foreseen here that the insurgents would, as in all cases insurgents must, appeal to foreign states for intervention. It was supposed that their appeal, if successful anywhere, would be successful in Great Britain, popularly regarded in both countries in one sense as a kindred nation, in another sense as a rival, and in a third, by reason of the great expansion of manufacture, a dependent upon the cotton-planting interest of the southern States, which were to become the theater of the insurrection. It was foreseen that British intervention even, though stopping many degrees short of actual alliance, or even of recognition of the insurgents as a political power, must nevertheless inevitably protract the apprehended civil war, and aggravate its evils and sufferings on the land, while it must materially injure, if not altogether destroy our national commerce.

When the insurrection began, the United States believed themselves to hold a position and prestige equal in consideration and influence to that of any other nation; and it was foreseen that foreign intervention in behalf of the insurgents, even to the extent only of recognizing them as a belligerent, must directly, and more or less completely, derogate from the just and habitual influence of the republic. It was foreseen that, should the insurgents receive countenance, aid, and support, in any degree, from Great Britain, the insurrection might be ripened under such influences into a social war, which would involve the life of the nation itself. The United States did not fail to give warning to her Majesty's government that the American people could not be expected to submit without resistance to the endurance of any of these great evils, through the means of any failure of Great Britain to preserve the established relations of peace, amity, and good neighborhood with the United States.

The earnest remonstrances thus made seem to the United States to have failed to receive just and adequate consideration. While as yet the civil war was undeveloped, and the insurgents were without any organized military force or a treasury, and long before they pretended to have a flag, or to put either an armed ship or even a merchant vessel upon the sea, her Majesty's government, acting precipitately, as we have always complained, proclaimed the insurgents a belligerent power, and conceded to them the advantages and privileges of that character, and thus raised them in regard to the prosecution of an unlawful armed insurrection to an equality with the United States. This government has not denied that it was within the sovereign authority of Great Britain to assume this attitude; but, on the other hand, it insisted in the beginning, and has continually insisted, that the assumption of that attitude, unnecessarily and prematurely, would be an injurious proceeding for which Great Britain would immediately come under a full responsibility to justify it, or to render redress and indemnity. The United States remain of the opinion that the proclamation referred to has not been justified on any ground of either necessity or moral right, and that, there-

fore, it was an act of wrongful intervention, a departure from the obligations of existing treaties, and without sanction of the law of nations.

Upon a candid review of the history of the rebellion, it is believed that Great Britain will not deny that a very large number of the Queen's subjects combined themselves and operated as active allies with the insurgents, aided them with supplies, arms, munitions, men, and many ships of war. The chief reply which her Majesty's government has made to this complaint has been that they apprehended inconveniences, from being involved in the contest, unless they should declare themselves neutrals; and, further, that they did, in fact, put forth all the efforts to prevent such aggressions by British subjects which the laws of Great Britain permitted.

Without descending on this occasion so far as to insist, as we always have insisted, that there was a deficiency of energy in the respect adverted to, you may remind Lord Stanley that, in the view which we have taken of the subject, the misconduct of the aggressors was a direct and legitimate fruit of the premature and injurious proclamation of belligerency, against which we had protested, and that the failure of her Majesty's government to prevent or counteract the aggressions of British subjects was equally traceable to the same unfortunate cause.

When the municipal laws of Great Britain proved in practical application to be inadequate to the emergency, the British nation omitted, for various reasons which seemed to us insufficient, to revise these laws, and the United States were left to maintain a conflict with a domestic enemy which British sympathy, aid, and assistance had rendered formidable, and in which British subjects continued throughout to be active allies, without any effective interposition by her Majesty's government.

The claims upon which we insist are of large amount. They affect the interest of many thousand citizens of the United States in various parts of the republic. The justice of the claims is sustained by the universal sentiment of the people of the United States. Her Majesty's government, we think, cannot reasonably expect that the government of the United States can consent, under such circumstances, to forego their prosecution to some reasonable and satisfactory conclusion. This aspect of the case is, however, less serious than that which I have next to present. A disregard of the obligations of treaties, and of international law, manifested by one state, so injurious to another as to awaken a general spirit of discontent and dissatisfaction among its people, is sure, sooner or later, to oblige that people, in a spirit of self-defense, if not of retaliation, in the absence of any other remedy, to conform their own principles and policy, in conducting their intercourse with the offending state, to that of the party from whom the injury proceeds.

Subsequently to the time when her Majesty's government disallowed the claims in question, and determined to exclude them from consideration, a part of the British realm, and certain of the British North American provinces, became the scenes of sedition, threatening insurrection and revolution against the government of Great Britain. Native-born British subjects residing here, some of whom have been naturalized, and more of whom have not been naturalized in the United States, sympathizing in those revolutionary movements, attempted to organize on our soil, and within our jurisdiction, auxiliary land and naval forces for invasions of Ireland and Canada. The government of the United States, without waiting for remonstrances, appeals, or protests from her Majesty's government, effectively put their municipal laws into execution and prevented the threatened invasions.

Thus we have seen ruinous British warlike expeditions against the

United States practically allowed and tolerated by her Majesty's government, notwithstanding remonstrance; and we have seen similar unlawful attempts in this country against Great Britain disallowed and defeated by the direct and unprompted action of the government of the United States.

Her Majesty's government, we think, cannot reasonably object to acknowledge our claims, and to adopt such measures as will assure the American people that their friendly policy of non-intervention in the domestic controversies of Great Britain will be made reciprocal and equal.

I observe, finally, that the United States and Great Britain are two of the leading national powers in this age. The events of the last five years have conclusively proved that harmony between them is indispensable to the welfare of each. That harmony has been, as we think, unnecessarily broken, through the fault of Great Britain; nor does there exist the least probability that it can ever be completely renewed and restored, unless the serious complaint which you are now again to bring to the notice of the British government shall be amicably and satisfactorily adjusted. Such an adjustment would be acceptable, we think, to the friends of peace, progress, and humanity throughout the world; while the benignant principles upon which it shall be based, being conformable to the law of nations, will constitute a guide for the conduct of commercial states, in their mutual intercourse, which will everywhere be conducive to international peace, harmony, and concord.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For inclosure and further list of claims see General Appendix, No. 13.]

Mr. Adams to Mr. Seward.

[Extract.]

No. 1270.] LEGATION OF THE UNITED STATES,
London, September 21, 1866.

SIR: * * * * * * * * *

In my dispatch No. 1267 I mentioned that in order to save time I had been preparing a note to Lord Stanley, founded on the instructions in your No. 1835, in anticipation of the reception of the summary which was expected by the next steamer, and which it was supposed it would require more time to copy. But finding on its coming to hand that both it and the dispatch were in print, I lost not a moment in transmitting one of the two copies to Lord Stanley, with a brief formal note.

At the same time, however, I asked and obtained an interview with his lordship, in order to learn something as to the prospect of receiving an answer at an early day. The result was pretty much what I expected. His lordship said that the subject was one involving such large considerations that he could not assume the responsibility of acting upon it without much reflection and the aid of the deliberation of his colleagues in the government. At this season of the year they were so much dispersed that it would be difficult to call them together. The Earl of Derby, his father, was either at or on his way to Balmoral, to be in attendance on the Queen, from whence it would not be convenient for

him to come to town just now. It was not the practice to resume cabinet meetings until toward the latter end of next month. Hence, if it were not regarded by me as a case of absolute necessity, he should be glad to postpone any response to the paper until that time.

I replied that I had already apprised you of these facts substantially as his lordship had stated them; for the rest I did not myself presume that an immediate reply was expected. The main purpose was, I suppose, to reopen the subject which had been so abruptly closed by Lord Russell. I trusted that the present government might consider themselves as not foreclosed from doing so, and that thus some result could ultimately be arrived at which would put at rest all further necessity of agitation. I could only express the opinion that on the part of my government there was a disposition to meet any suggestions looking to an adjustment in the most amicable spirit.

His lordship, whilst keeping himself carefully uncommitted, at the same time left upon my mind an impression that he regarded the ministry as not precluded by anything that had gone before from giving the matter careful and anxious reconsideration.

* * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Moran to Mr. Seward.

[Extract.]

No. 7.] LEGATION OF THE UNITED STATES,
London, October 6, 1866.

* * * * * *

Touching the claims of the government of the United States upon that of Great Britain for compensation for the damages caused to American commerce by the No. 290 and her kindred ships, I have the honor to call your attention to a leading article in the Times of the 4th instant, a copy of which is herewith inclosed. Although I have no evidence to sustain the conjecture, the appearance of this editorial so soon after Mr. Adams had communicated a copy of your No. 1835 to Lord Stanley, all knowledge of which paper seems to have been concealed from the public, would appear to indicate that the writer at that time was not ignorant of that document, and that he had been inspired by some one in authority. The public mind is daily being brought to the propriety of taking some step in the direction of an honorable settlement of this difficulty, and it is not improbable that an avowal on the part of the government to adopt such a course would meet with a favorable reception from the nation.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times, October 4, 1866.]

The speech of Lord Stanley at the Liverpool banquet was calculated and, perhaps, designed to satisfy us that our relations with the United States are safe in his hands. Those who may have been inclined to distrust the friendly disposition of a conservative foreign secretary toward the American people must have been reassured by the cordial and respectful tone in which he spoke of them, and the earnestness with which he deprecated the "hasty, partial, and passionate criticism" of their institutions, which Americans attribute to English conservatives. Lord Stanley is entitled to full credit for sincerity in the expression of these sentiments; for, whatever may be said of his party, no man weighs his words more carefully, or betrays less of aristocratic or national prejudice in his comments on foreign affairs. It is with some confidence, therefore, that we invite his attention, as well as that of the public, to a difference of long standing between England and the United States, which, intractable as it seems, may, we are persuaded, be set at rest, if the necessary temper and judgment be brought to bear upon it.

A year has now almost elapsed since the correspondence between Lord Russell and Mr. Adams respecting the so-called "Alabama claims" was laid before the public. It was continued by Lord Clarendon, but soon closed by mutual consent; and the two governments have tacitly agreed to differ about a point which does not admit of being settled by any established principles of international law. Great Britain having declined to refer to arbitration her alleged liability for captures made by the Alabama and other confederate cruisers, and the United States having rejected the counter-proposal of a joint commission for the adjustment of other outstanding claims on both sides, the matter remains in abeyance. The American government has not withdrawn its demand, the British government has not receded from its position, yet the friendly intercourse between them has not been interrupted. When the Fenians menaced the Canadian frontier, the neutrality laws were enforced against them with a vigor which does President Johnson the highest honor; and if the prosecutions then instituted against some of the leaders have since been abandoned, we have been quite content to assume that good reasons could be given for his forbearance. On the other hand, it is vain to indulge the belief that our supposed infractions of neutrality during the war have been condoned by the American public. They may or may not support the President in putting down an open defiance of their foreign enlistment act; but they still cherish a sense of injury which found expression in the bill for modifying the provisions of that act, and would make it very difficult to check lawless reprisals on our commerce if Great Britain were unhappily involved in a war. While this state of feeling exists among the American people, the diplomatic *entente cordiale* may be imperiled at any moment. The exigencies of party warfare have always influenced the foreign policy of the United States. They are just now peculiarly urgent; the "Irish vote" will probably turn the autumn elections, and the same motives which have apparently led Mr. Seward to wink at the transport of warlike stores to Mexico may possibly tempt and almost force him on some future occasion to revive the dormant Alabama claims. In the mean time, it is admitted on all hands that the obligations of neutral powers in respect of breaches of neutrality which they may have failed to prevent have never been clearly ascertained, while no one ventures to maintain that either our own or the American foreign enlistment act is in all respects satisfactory. Is it, then, inconsistent with our national dignity, or rather

is it not at once the most dignified and the most politic course, to reconsider dispassionately the questions arising out of the Alabama case, and the best means of providing against their recurrence? Would such a course be the less honorable or statesmanlike because it might tend to conciliate public opinion in America, and to remove incidentally any grudge which may still be entertained against this country? We venture to submit that it would not, and to suggest, moreover, that no better time could be selected for this attempt than the present, when the grievances of which Mr. Adams complained are neither obsolete nor too recent, when no other source of misunderstanding exists to disturb the fair discussion of them, and when the foreign affairs of this country have lately passed into the hands of a new minister.

The controversy conducted by Lord Russell and Mr. Adams on behalf of their respective governments really turned on a very few and very simple issues. The latter contended that a neutral state is not only bound to prohibit the participation of its own subjects in acts of hostility against either of the belligerents, but responsible for any damage which may result from its neglect or inability to do so. He took his stand on the fact that certain vessels of war in the confederate service had been constructed in British dock yards, equipped from, if not in, the same ports, manned chiefly by British sailors, and commissioned at sea without having acquired any new character by entering a confederate port. Hence he argued either that our laws were inadequate to restrain abuses of our neutrality, or that they were not properly enforced; and, in either case, he insisted that Great Britain was liable for the consequences. Lord Russell virtually, if not expressly, denied that a neutral state has any duty toward a belligerent except the strict and honest execution of its own municipal laws. He maintained, however, that our foreign enlistment act is sufficient for its purpose, and had been enforced with due diligence as well as in perfect good faith by our government, attributing the unfortunate escape of the Alabama to the want of evidence to justify her detention. To Mr. Adams's tender of arbitration Lord Russell replied that an arbitrator's decision must be founded on a consideration of two questions, neither of which Great Britain could submit to any independent tribunal—the question whether the law officers of the Crown had correctly interpreted a British statute, and the question whether the British government had *bona fide* availed themselves of the powers therein intrusted to them. On these grounds he objected to any judicial investigation of the Alabama claims, either by an arbitrator or even by a joint commission; though he expressed his readiness to concur in the appointment of such commission to deal with compensation cases of a different class. The United States were naturally unwilling to accept an arrangement which would have left open the very point in dispute, and so the controversy ended. Now, without going further into the argument than this, or criticising any one of the historical precedents so copiously adduced in support of either conclusion, we see no insuperable obstacle to a solution which has something in common with Mr. Adams's proposal, and something with that of Lord Russell. Let a joint commission be appointed, not to adjudicate upon the claims preferred against Great Britain by American shipowners, or to review the transactions connected with the equipment of the Alabama and her consorts, but to deliberate on the rights and duties of neutrals in time of war, as hitherto determined by international law or usage, and to devise, if possible, a set of rules which all maritime nations should be invited to adopt and to carry out by legislative measures. A commission of this kind should not be exclusively composed

of British and American subjects, but should include eminent continental jurists, and should be invested with the amplest possible liberty of recommendation. If, upon a perusal of their report, her Majesty's government shall be of opinion that, under the circumstances, some reparation is due, either in international law or in international equity, to the United States in respect of the ravages of the Alabama, it will not be too late to make it, and no false pride should prevent our doing so with a good grace.

If it be said that Lord Stanley cannot allow these claims to be reopened, even indirectly, without reflecting injuriously on the conduct of his predecessor, the answer is obvious. Mr. Adams's representation to Lord Russell was in the nature of a legal demand, and it was properly met by a legal demurrer. It was practically granted that our law had been violated in the equipment of the Alabama, and that the commercial marine of the United States had suffered grievous injury thereby; but the doubt was whether, in the absence of culpable neglect on the part of our government, there was any remedy against us. This Lord Russell denied, and we have yet to learn that he was wrong in his exposition of the law, while he was certainly right if the precedent of the Portuguese claims on the United States is to be followed. On the other hand, as every one knows, the Alabama would never have got to sea but for the most inopportune illness of the Queen's advocate; and this consideration, though it may clear the government from the charge of neglect, does in some degree affect the moral aspect of the case. The loss sustained by American commerce in consequence may be *damnum sine injuria*, and therefore no ground of a legal action; and yet it may be a wise act of courtesy to waive the benefit of this plea. The time has come when such a concession is no longer open to misconstruction, and would be accepted by the United States as a spontaneous act of good-will. At all events, there can be nothing derogatory to the honor of England in offering to submit her neutrality laws, together with those of the United States, to revision by a mixed commission. No country has more to lose by a lax interpretation of these laws; and justice compels us to acknowledge that, had the United States government connived at their evasion, the Fenian expedition might have inflicted much greater mischief on Canada. This will not be forgotten by Parliament, if it should be hereafter called upon to sanction overtures which may lead to an amicable compromise of the Alabama claims.

Mr. Seward to Mr. Adams.

No. 1855.] DEPARTMENT OF STATE,
Washington, October 8, 1866.

SIR: Your dispatch of the 21st of September, No. 1270, has been received. I learn from it with much satisfaction that, in execution of recent instructions from this department, you have, in a proper and becoming manner, recalled the attention of the British government to the claims of the United States for depredations committed on their ocean commerce by British subjects during the late war.

It is to be regretted that the solicitor's reconsideration of those claims is to encounter some delay. While the President is not disposed to complain of this, he trusts, at the same time, that you will, on all proper occasions, seek to impress her Majesty's government with the conviction of the importance of an early disposition of the question. In all our

foreign relations I know of none that transcends it in importance, either to this country, or, in my opinion, to the country specially concerned.

Your contemplated visit to the continent for a brief period is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1275.] LEGATION OF THE UNITED STATES,
London, November 23, 1866.

SIR: I have the honor to inform you of my return last evening to this place, and of the resumption of my duties. I am happy to find that the government has experienced no sensible inconvenience from the permission so kindly granted to me of a brief period of relaxation, which I think may prove of some benefit to me in continuing my labors at this post.

I perceive that Mr. Moran has kept you well informed of the progress of opinion in regard to the expediency of reopening the chief question at issue between the two countries, so far as it may be gathered from the expression of the press. The significant intimation given by Lord Derby at the Guildhall dinner, followed by the semi-official leader in the Times of the 17th instant, a copy of which has been transmitted to you, seem to leave little doubt that some change is contemplated of the past policy of the government on this subject. The great difficulty, probably, is in devising some practicable mode of shaping it which will not too seriously wound the pride of the nation. In the only conversation which I have had with Lord Stanley he asked me, with reserve as to our official character in making the inquiry, if I knew whether my government had any plan in view. To which I replied that I had no information extending beyond the two already agitated, which had been arbitration, or else the establishment of a commission embracing the consideration of all claims, without exception. I thought that we should have accepted either of these. Here the matter dropped. Considering the nature of the later development, it is no more than reasonable to presume that it is this point more than the general principle which is now occupying the attention of the cabinet. Hence, I suppose that there will not be much more delay in reaching a result and communicating it in the form of an official reply to your dispatch to me of the 27th of August. Knowing your anxiety to obtain this reply, I shall seize the earliest opportunity after reception to transmit it to the department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times, November 17, 1866.]

An impression has of late prevailed that a royal commission is about to be appointed with a view to the settlement of the Alabama claims. Probably Lord Derby's conciliatory speech at the Mansion House may have contributed to give currency to the rumor, which is not destitute

of a certain foundation in fact. We are enabled, however, to state that her Majesty's government have no present intention of referring these particular claims to a royal commission—a course which, if adopted at all, ought to have been adopted in the first instance. What is really in contemplation is to empower such a commission to inquire generally into the operation of our own neutrality laws, and to report upon the possibility of amending them, so as to bring them into more complete conformity with our international obligations. We have reason to believe that this decision, which was announced at the end of last session, and differs little in principle from the alternative since advocated in our own columns, will shortly be carried into effect, and that Lord Cranworth will probably be the chairman of the proposed commission. We need hardly add that an inquiry thus limited in no degree precludes or prejudices any future step that may be taken for the adjustment of the Alabama claims, which are still under the consideration of the government, and must be entertained upon their own merits.

This mode of dealing with two questions independent, indeed, of each other, but closely connected in their practical bearings as well as in the public mind, has, doubtless, some advantages, though it is also open to some objections. To reopen the Alabama case after having obtained a report of a commission on the efficiency or non-efficiency of our neutrality laws is one thing; to reopen it in deference to representations from the United States government, and without awaiting that report, is another. If the grounds upon which Lord Russell declined arbitration were conclusive last year, they are conclusive now; for there has been no change since in the facts, and no fresh light has been thrown upon the law. At the same time, we are far from blaming Lord Stanley for reconsidering the whole matter upon his own judgment and responsibility. We have not concealed our doubts whether Lord Russell's statement of it, though very convincing from one point of view, was not tacitly founded on a false assumption, that assumption being that our international duty and liability are measured by the municipal law of this country. It cannot be considered otherwise than a misfortune that Sir Roundell Palmer, then attorney general, should have so early committed his great authority to this view. It is not, to the best of our belief, in accordance with the better opinion among lawyers, and, even if it were, it would be manifestly contrary to the dictates of natural reason and equity. To hold that a belligerent can demand of a neutral state no more than a due execution of the neutral's own laws is to hold that neutrals are the sole judges of their own obligations. The neutral state might have no law applicable to the subject at all, or a law authorizing piracy, and yet, upon this supposition, there would be no right of redress. Now, although international law is a very indefinite thing, consisting of little more than usages and duties, sanctioned with more or less uniformity by occasional conventions, it is not so wholly illusory as this conception of it would imply. A fundamental distinction has always been recognized between the sale of contraband of war and the equipment of armed vessels within neutral territory, and this distinction would have no meaning if both would be equally innocent but for the special prohibition of the latter by municipal law. In contending, therefore, that we could not accept arbitration because it would put in issue the justice of the construction of our own foreign enlistment act by our own law officers, Lord Russell overlooked the previous question, whether the foreign enlistment act itself is adequate for its purpose. It may or may not be undignified to submit such a question to the judgment of a foreign prince or a body of foreign jurists, but it cannot be set aside, and

was, in fact, treated as proper for discussion when the late government offered to revise, in concert with the United States, the neutrality laws of both nations. Had we acceded to Mr. Seward's proposal, the point to have been decided by the arbitrator would not have involved a judicial interpretation of any British statute, still less would it have involved an inquisition into the motives of our government. It ought to have been so presented as to exclude the hypothesis of *mala fides*, and to involve only one consideration—whether, according to known principles of international law, the circumstances attending the escape of the Alabama were such as to impose any liability for her depredations, legal or equitable, upon Great Britain. It is this consideration, we presume, which is now engaging the attention of our government, and we may be permitted to express the hope that in any future discussion of it more stress may be laid on grounds of policy, and less on grounds of precedent. Precedent is a far safer guide in ordinary litigation than in controversies between sovereign states. It can be shown that America has refused compensation in cases somewhat analogous to that of the Alabama; but unless it can also be shown that her refusal was justified by that higher code of international morality which rests upon the common interest of all civilized nations, little will have been gained by the demonstration.

The difficulty in framing a more effective neutral law for these islands is twofold. First, there is the danger that any highly penal legislation against the enlistment of British subjects in the service of a foreign power would practically be a dead letter whenever it happened to conflict with popular sympathy. For instance, the foreign enlistment act could hardly have been enforced against the English volunteers who joined Garibaldi, even if they had technically violated it; and we know that, for similar reasons, the United States government has reluctantly tolerated many open breaches of the American act by the Fenians. Secondly, there is the old difficulty, already mentioned, of distinguishing sales from equipments of vessels. So strongly has this been felt by some jurists that a sweeping enactment against the exportation of all articles contraband of war has been suggested as the only remedy. It is evidently an anomaly that one foreign belligerent may arm all its land forces with rifles from Birmingham, subject only to the risk of capture at sea, whereas the agents of another cannot, without breaking the law of the land and incurring the risk of heavy penalties, fit out a vessel of war at Birkenhead. Morally, the two actions are on a par; and if any attempt be made to place them on the same legal footing, it should certainly be rather directed to regulate the former than to encourage the latter. It would, however, vastly increase the injury entailed by war on neutrals if, while it paralyzes such a branch of commerce as our cotton trade, other branches, such as the manufacture of small-arms for warlike purposes, should be deprived of their legitimate development. For the present, we must acquiesce in the maintenance of the existing line between ordinary contraband and ships of war, and the problem is, how to control the building and sale of these so as to check abuses of neutrality. Experience has shown that, partly owing to the enormous profits that may be realized by such ventures, and partly to the facility of evasion where the proof of guilt must chiefly depend on intention, the prospect of punishment is of little avail. The one remaining expedient is to arm the executive government with more stringent, if not more arbitrary, powers of prevention.

Mr. Adams to Mr. Seward.

No. 1286.] LEGATION OF THE UNITED STATES.
London, December 7, 1866.

SIR: In conversation with Lord Stanley, at a private house, the other day, he gave me to understand that his answer to your dispatch was prepared, and that, according to the forms customary in such cases, it would be sent through Sir F. Bruce, in the same manner that yours was sent through me. At the same time, he promised to send me a copy for my information.

On Wednesday evening, accordingly, I received from his lordship, in a note marked private, two printed copies of the two dispatches. They correspond in substance with what I had expected. Notwithstanding the reserves in the argument designed to save the honor of the preceding government, the substantial point of reopening negotiation seems to be conceded. I trust it may be the means of ultimately arriving at some form of settlement.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1885.] DEPARTMENT OF STATE,
Washington, December 10, 1866.

SIR: Your dispatch of the 23d of November, No. 1275, is received and approved. In regard to our claims on the ground of violations of neutrality, I think the President's message well expresses the sense and the feelings of Congress and the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Extract from the President's message of December 3, 1867, to the Senate and House of Representatives.]

No arrangement has yet been reached for the settlement of our claims for British depredations upon the commerce of the United States. I have felt it my duty to decline the proposition of arbitration made by her Majesty's government, because it has hitherto been accompanied by reservations and limitations incompatible with the rights, interest, and honor of our country. It is not to be apprehended that Great Britain will persist in her refusal to satisfy these just and reasonable claims, which involve the sacred principle of non-intervention—a principle henceforth not more important to the United States than to all other commercial nations.

[From British Blue Book, "North America," No. 1, 1867, p. 31.]

No. 4.

Sir F. Bruce to Lord Stanley.

[Extract.]

WASHINGTON, *January* 7, 1867.

I have the honor to inclose copy of the note* I have addressed to Mr. Seward on the proposals for a settlement of claims contained in your lordship's dispatches of the 30th of November last.

Though not instructed to do so, it appeared to me desirable to pursue the same course as was adopted by Mr. Adams in dealing with the dispatch of Mr. Seward, to which it is a reply. I have therefore confined myself to inclosing a copy of it, with a request that I may be informed if the proposal is accepted.

I have embodied in the same note the substance of your lordship's dispatch on the subject of a mixed commission, in order that it may be taken into consideration at the same time with the proposal for arbitration of the cruiser claims.

I am in hopes that these proposals will be met in a conciliatory spirit, and at all events I feel convinced that no better opportunity than the present is likely to arise for arriving at a solution of these important questions.

Sir F. Bruce to Mr. Seward.

WASHINGTON, *January* 7, 1867.

SIR: Her Majesty's government having had under their consideration your dispatch to Mr. Adams, dated August 27, 1866, on the claims of citizens of the United States against Great Britain on account of losses inflicted on American commerce by cruisers of the so-called Confederate States during the civil war, have addressed to me a dispatch setting forth their views on the various subjects to which it alludes, and containing certain proposals on their part by which they consider that a settlement of these claims may be effected.

In bringing their proposal under your notice, I cannot do better than follow the method adopted by Mr. Adams, and I have therefore the honor to inclose copy of the dispatch, with a request that you will inform me at your convenience whether the government of the United States are prepared to accept the principle of arbitration, as contained in that dispatch.

I am instructed at the same time to state that, independently of these claims, there may be other demands on the part of American citizens arising out of the events of the late civil war, while there are certainly numerous British claims arising out of those events which it is very desirable should be inquired into and adjusted

The two governments were in communication with each other on this subject in the latter part of the year 1862, and the draft of a convention for a settlement of these claims was actually under consideration. Circumstances, however, prevented the matter being proceeded with at that time; and, indeed, it was premature to enter upon it while fresh

* For inclosure see Sir F. Bruce to Mr. Seward, same date, *post*.

claims were liable to start up. The time seems now favorable for reviving the subject, and her Majesty's government think that they may fairly invite the government of the United States to undertake, in the event of an understanding being come to between the two governments as to the manner in which the special American claims alluded to in the inclosed dispatch shall be dealt with, that, under a convention to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries arising out of the events of the late war may be submitted to a mixed commission, as in a former instance; the commission to be charged with the examination of such claims with a view to their eventual payment by the government adjudged to be responsible.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Stanley to Sir F. Bruce.

FOREIGN OFFICE, *November* 30, 1866.

SIR: I transmit to you herewith copy of a note which I have received from the United States minister at this court, inclosing copy of a dispatch from Mr. Seward, in which he again brings before her Majesty's government the claims of United States citizens against Great Britain, on account of losses inflicted on American commerce by cruisers of the so-called Confederate States during the late civil war.

In regard to the date of this note, it is necessary that I should explain that, on its receipt, I stated verbally to Mr. Adams the impossibility of replying to it without consulting my colleagues, and the consequent probability that my answer must be delayed for some weeks.

The claims in question are now, for the first time, brought under the notice of her Majesty's present advisers; and the length of time which has elapsed since the termination of the civil war justifies the hope that they may be dispassionately considered on both sides.

It is therefore with no desire to revive a controversy which has been carried on at great length, and in which every argument bearing on the subject has been advanced and discussed, but with a view to facilitate the impartial examination of the grounds on which these claims are based, that her Majesty's government feel bound to notice expressions and statements in Mr. Seward's dispatch which they consider unsupported by evidence, and which, in justice to their predecessors in power and to the honor of the country, they cannot allow to pass unexamined.

And first, with regard to the assertion made at the commencement of the dispatch, that "the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war were built, manned, armed, equipped, and fitted out in British ports, and dispatched therefrom by or through the agency of British subjects;" and "were harbored, sheltered, provided, and furnished, as occasion required, during their devastating career, in ports of the realm, or in ports of British colonies in nearly all parts of the globe."

It can scarcely be necessary, after the protracted controversy that has taken place on this subject, to enter minutely into the history of the several vessels mentioned. It must have escaped Mr. Seward's recollection that the Sumter did not proceed from a British port, but was an

American vessel, and commenced her career by escaping from the Mississippi. With regard to the Alabama, the Florida, the Shenandoah, and the Georgia, (the other vessel mentioned in the schedule of claims,) they were undoubtedly of British origin. But the United States government will hardly contend that the mere fact of a vessel having been built in the port of a foreign power, or having been originally dispatched therefrom, can of itself render the government of that country responsible for the use which may be made of such vessel after it has passed from their control.

The Alabama was, when she escaped from England, wholly unarmed and unequipped as a vessel of war. She received her armament and warlike equipment, her commander and crew, in Angra Bay, Azores, a possession of the Crown of Portugal, where the British government could not have exercised any jurisdiction or control over her proceedings, even if they had had the opportunity of so doing.

The Florida, under her original name of Oreto, left England unarmed and unequipped, but suspicion having attached to her, she was seized, and proceedings were instituted against her in the British admiralty court at Nassau, which failed for want of proof, and she was eventually equipped as a confederate cruiser in the port of Mobile, at that time in the occupation of the confederates.

The Shenandoah left England unobserved, and, therefore, unquestioned, and, for anything that had transpired, on a legitimate voyage, and was only armed, equipped and manned as a vessel of war off Funchal, a possession of the Crown of Portugal. The first intimation which was received of her proceedings was from her Majesty's consul at Teneriffe, reporting the transfer of crew and armament to her from the Laurel, at the Desertas, off Funchal. Mr. Adams's letter on the subject was dated the 18th of November, 1864, at which time she had already commenced her depredations. This fact appears from the dispatch from the United States consul at Rio de Janeiro, of which a copy was forwarded to Earl Russell by Mr. Adams, on the 7th of April, 1865.

The Georgia escaped inquiry in a similar manner, and was equipped, manned, and armed off the coast of France, and presumably in French waters, but unquestionably not within the jurisdiction of the British Crown. She sailed from the Clyde on the 2d of April, 1863, having cleared for Alderney. Mr. Adams's letter stating that she was intended for a cruiser was not received until the 8th of April, the very day on which, as was subsequently shown, she was receiving her armament off the French coast. Instructions were sent to the governor of Guernsey, but she proceeded to Cherbourg, without touching at the Channel islands.

As regards the reception of these vessels in British ports, it must be remembered that when they appeared in those ports they did so in the character of properly commissioned cruisers of the government of the so-styled Confederate States, and that they received no more shelter, provision, or facilities than were due to them in that character. For a recognized belligerent has a right to expect, in the ports of a neutral power, the same degree of hospitality as is conceded to its antagonist, subject to such restrictions as may be indifferently imposed on both; and it has never been alleged that greater freedom of intercourse was allowed to, or that less restrictions were imposed on, the cruisers of the confederate than on those of the United States in British ports in any quarter of the globe. The instructions issued by the British government to its civil, naval, and military authorities, with which the government of the United States are well acquainted, sufficiently establish this

fact. Nor can it be said that those instructions were drawn up in an unfavorable spirit to the United States. The prohibition to bring prizes into British ports, and the limit placed on the supply of coal, told principally against the confederate ships, and prevented them from using British ports as their basis of operation.

The treatment of these vessels was, therefore, no more than the legitimate consequence of the state of civil war which existed in America, and which was recognized by her Majesty in her proclamation of neutrality.

On the subject of this proclamation, Mr. Seward proceeds to make remarks which her Majesty's government cannot admit to be justified by the facts. They have never as yet met with any refutation of the statement contained in the judgment of the Supreme Court of the United States, and already quoted by Lord Russell, in his note to Mr. Adams, of May 4, 1865, that "this greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprang forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name, and no name given to it by him or them could change the fact." Her Majesty's government cannot understand how, in the face of such a conclusion, declared by the highest judicial authority of his country, and in direct contradiction with the action of the government of which he is a member, Mr. Seward can characterize a contest, which he has at the commencement of his dispatch termed "a civil war," as "a domestic disturbance," "which, although it had severe peculiarities, yet was in fact only such a seditious insurrection as is incidental to national progress in every state."

Her Majesty's government find it also laid down in the judgment above quoted, that "the proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed, which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case." Again, in the judgment of the district court of Columbia, on the Tropic Wind, given June 17, 1861, it was ruled that the facts of the secession of the southern States "as set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists—that blockade itself is a belligerent right, and can only legally have place in a state of war." Her Majesty's government are, therefore, at a loss to conceive how the term "intervention" can be applied to a proclamation which did no more than acknowledge a state of war, first recognized by the President of the United States himself, and which was issued with the express purpose of warning her Majesty's subjects from any participation in the conflict.

Mr. Seward's argument, that the declaration of British neutrality tended to encourage and create a civil war, which would not otherwise have extended beyond the character of a local insurrection, can scarcely better be met than by a reference to the legal decisions above mentioned. In opposition to the opinion he expresses that the proclamation was unnecessary and premature, it may be justly urged that her Majesty's government had to provide at a distance for the lives and interests of British subjects on or near the seat of war; that they had to consider the rapidity with which events were succeeding one another on the American continent, the delay which must elapse before intelligence of those events could reach them, and the pressing necessity for definite instructions to the authorities in their colonies and on their naval stations near the

scene of the conflict. They had, as Lord Russell has stated, but two courses open to them, on receiving intelligence of the proclamation of blockade, namely, either that of acknowledging the blockade, and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade, and insisting upon the right of her Majesty's subjects to trade with the ports of the South where the government of the United States could exercise no fiscal control at that time.

Of these alternatives, it is hardly open to question that that which they pursued was at once the most just and the most friendly to the United States.

It is only necessary to add that, before the proclamation was issued, seven of the States of the Union had declared their secession, and that they possessed a formally constituted government, which carried on the administration in a regular manner; which had possessed itself, in some cases by force, of the fortified posts within its territories, and which had proclaimed its intention of issuing letters of marque.

Before the intelligence of the course adopted by her Majesty's government could reach America, the legislatures of three more States had provisionally declared their adhesion to the confederation thus established; upward of one hundred thousand militia and volunteers had been called out by the President of the United States; active measures had to be taken for the defense of the capital; military and naval preparations were hurrying on; a repetition on a much larger scale of the collisions which had already taken place between the opposing forces was imminent; the blockade of the southern ports had actually commenced; and the right of search and capture had already been exercised over British vessels.

Taking these circumstances into consideration, it cannot be admitted that the recognition of the insurgent States as belligerents was premature, or that their insurrection was thereby encouraged; nor can it be supposed that the British government could refuse to the Confederate States that belligerent character which the United States themselves implicitly granted and subsequently allowed to them.

But if Mr. Seward means to base the present claims on the ground that the British government should, while acknowledging the blockade, have awaited the arrival of a confederate ship of war in British ports before admitting the possession by the Confederate States of a ship of war, and therefore their right to be treated on the high seas as a belligerent power, a reference to dates will show that the question would have been raised on the arrival of the Sumter at Trinidad, and of the Nashville at Southampton, some months before Mr. Adams laid his first complaint against the vessels mentioned in the summary of claims. It is difficult to see what injury the United States government can allege, or what redress they can claim on this score.

Still more difficult is it to understand the process of reasoning by which the acts of British subjects in furnishing assistance and supplies to the southern States can be traced to the issue of the proclamation. Undertakings of this nature, in favor of either of the belligerents, were equally in contravention of its terms, and those who engaged in such enterprises did so at their own risk. The United States, whose communication with Great Britain was uninterrupted, received assistance of this illicit nature to a very much larger extent than their antagonists.

Mr. Seward goes on to say that "when the municipal laws of Great Britain proved in practical application to be inadequate to the emergency, the British nation omitted for various reasons, which seemed to the United States insufficient, to revise those laws."

To this statement a simple answer may be given: That the foreign enlistment act, like every other enactment, is liable to evasion; and that it was on more than one occasion successfully evaded, no one has ever attempted to deny. But, looking at the nature of the evasions which actually occurred, it must be asked whether these could have been prevented by any practicable amendment of the law. It was not for want of legal power in the authorities, nor from disinclination to use that power, but solely from the deficiency of evidence, that the Florida was not detained in England, and that, when subsequently seized at Nassau, she was released by the authorities there. In the case of the Shenandoah and Georgia no steps could be taken, because no information was given of their designs until they had escaped from British jurisdiction. As regards the Alabama, the case viewed in this respect appears still stronger. The law would, in the opinion of her Majesty's government, have justified her detention. That detention *was actually decided upon;* and it was only in consequence of an unexpected stratagem that she succeeded in escaping before orders for that purpose arrived. To whatever cause her escape may be attributable, it did not take place in consequence of any want of stringency in the act.

Nor, after that unfortunate occurrence, were the British government unwilling to respond to Mr. Adams's appeal for more effective measures to prevent such proceedings. They answered it by a proposal for a simultaneous revision of the law of both countries. As the opinion of the United States government, expressed in reply, was to the effect that their own law was not in need of amendment, it is to be presumed that a complete assimilation of the British act to that law was all that they expected or desired. Yet the British law is substantially identical with that of the United States, with the exception of two provisions, the insertion of which, whatever may be their value in other respects, would have been wholly ineffective to prevent the particular infractions of neutrality complained of. The first of these provisions requires that the owners or consignees of armed vessels, sailing out of the ports of the United States, and belonging in whole or in part to citizens thereof, shall give security to double the value of the vessel and cargo, that such vessel shall not be employed by them to cruise or commit hostilities against any power with which the United States are at peace. The second empowers the collectors of customs to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when there is just ground for suspecting that she will be employed against a friendly power, until a definitive decision can be come to on the case, or security given as above. It is sufficiently evident that these two articles would, at the utmost, only have served to enhance the price of any vessel against which they might have been enforced. But, in addition to this, it may be observed that the terms in which they are framed would have rendered them inapplicable to the vessels whose depredations are now complained of, none of which sailed out of British ports as armed vessels, or had on board cargoes principally consisting of arms or munitions of war. They would have been equally ineffective as against the ships which furnished the armament, equipment, and crews to those vessels, but which were not armed nor employed in hostilities against the United States. Supposing even that the scope of these provisions had been so enlarged as to include the cases in question, it would still have been impossible to demand security for, or to order the detention of, vessels to which no suspicion had attached, such as the Shenandoah and Georgia; or to take retrospective action as regards the Florida and

Alabama, which had already escaped before Mr. Adams's appeal and the subsequent negotiation took place. It is fruitless to argue whether a nugatory and fictitious amendment of our law would have been accepted by the United States as a satisfactory proof of the willingness of Great Britain to meet their wishes. In all respects which concern the present controversy, the law of the two countries is identical; and as the government of the United States declare their own law sufficient to meet the obligations imposed upon them by international duty, it is not easy to understand why they should consider that of England inadequate for the same purpose. It is sufficient to say that the actual circumstances do not warrant Mr. Seward in founding the claims now brought forward on any defect of the foreign enlistment act.

There is another statement made by Mr. Seward which cannot here be passed over. He draws a contrast between the conduct of the British government during the recent American civil war and that of the United States government in dealing with the Fenian projects of aggression against Canada. It cannot be admitted that this contrast is justified by the facts of either case. The British government were ready, anxious, and determined, throughout the whole course of the civil war, to exert all the power conferred upon the Queen by the law of the land to prevent British subjects from taking part in that contest. But the law could not be put in force against offenders unless on the production of evidence, first, that the law was violated, and, secondly, that its violation was the act of the persons charged with that offense. The secrecy observed by these persons in their unlawful proceedings baffled all the efforts of her Majesty's government, no less than those of the diplomatic and consular agents of the United States in this country, to detect them.

The action of the Fenians, on the contrary, was open and avowed. It showed itself in public meetings and in the public press, in the enrollment of troops, the collection of arms, the solicitation of money, and finally in the establishment in the territory of the United States of a so-called provisional government, with its legislative assembly and administrative officers. Throughout these transactions there has been no attempt at disguise, but rather an arrogant display of publicity. The government of the United States needed, therefore, no research on the part of its own officials, nor even a denunciation by British authorities, to establish against these Fenian agitators a palpable case of infringement of the laws of the United States, coupled with a deliberate design to undertake from the territory of the United States, whose government was in amity with that of her Majesty, a military operation directed against either Canada or Ireland. Her Majesty's government are far from desiring, in any way, to depreciate the friendliness of the course which the United States government adopted when the proceedings of the Fenians assumed the shape of an actual aggression on British territory; they readily admit that "the unlawful attempts against Great Britain were disallowed" by that government, whose direct and unprompted action greatly contributed to the defeat of the enterprise. But they utterly deny the alleged similarity of the two cases. They cannot admit that because four vessels escaped the action of British law—two of them unperceived, one by an accident, and one for want of evidence—Mr. Seward is justified in stating that "ruinous British warlike expeditions against the United States were practically allowed and tolerated by her Majesty's government, notwithstanding remonstrance;" and looking to the fact that at least an equal number of vessels were arrested before commencing their career, and that on all occasions when

the law could be enforced, legal proceedings were taken against the offenders, they consider that they have a right to assert that under circumstances similar to those in which the United States government has been lately placed they would not have pursued a less fair or friendly course.

It is not the intention of her Majesty's government to pursue this discussion further; yet I must observe that, were it their wish to apply to the conduct of the United States the same kind of criticism in which Mr. Seward has indulged with regard to them, they might fairly be entitled to ask whether the restoration, by order of the President, of arms captured from Fenian insurgents without any appearance of an intention on the part of those insurgents to abandon their culpable projects, and the discontinuance of government prosecutions instituted against their leaders without any proof that the evidence against those leaders was inadequate for their conviction, are not circumstances quite as open to an unfavorable construction as any of those on which Mr. Seward has laid so much stress as against the conduct of this government. But her Majesty's government have made no complaint of those proceedings, nor do they intend to make any. They think it fairer and more reasonable, when judging of the policy of other states, to deal with that policy as a whole, and not to magnify into undue importance isolated acts which may appear contrary to its general tendency. This rule they will always be ready to apply to others, and they claim its application to themselves.

Having dealt so far with Mr. Seward's argument, and pointed out the wide discrepancies that exist between his views of the question and those entertained by her Majesty's government, I now proceed to consider the practical proposition with which he concludes.

It is impossible for her Majesty's present advisers to abandon the ground which has been taken by former governments so far as to admit the liability of this country for the claims then and now put forward. They do not think that such liability has been established according to international law or usage; and though sincerely and earnestly desiring a good understanding with the United States, they cannot consent to purchase even the advantage of that good understanding by concessions which would at once involve a censure on their predecessors in power, and be an acknowledgment, in their view, uncalled for and unfounded, of wrong-doing on the part of the British executive and legislature. But, on the other hand, they are fully alive to the inconvenience which arises from the existence of unsettled claims of this character between two powerful and friendly governments. They would be glad to settle this question if they can do so consistently with justice and national respect; and with this view they will not be disinclined to adopt the principle of arbitration, provided that a fitting arbitrator can be found and that an agreement can be come to as to the points to which arbitration shall apply.

Of these two conditions the former need not be at present discussed; the latter is at once the more important and the more pressing.

With regard to the ground of complaint on which most stress is laid in Mr. Seward's dispatch, viz., the alleged premature recognition of the Confederate States as a belligerent power, it is clear that no reference to arbitration is possible. The act complained of, while it bears very remotely on the claims now in question, is one as to which every State must be held to be the sole judge of its duty; and there is, so far as I am aware, no precedent for any government consenting to submit to the judgment of a foreign power or of an international commission the

question whether its policy has or has not been suitable to the circumstances in which it was placed.

The same objection, however, does not necessarily apply to other questions which may be at issue between the two governments in reference to the late war; and with regard to these, subject to such reservations as it may hereafter be found necessary to make, I have to instruct you to ascertain from Mr. Seward whether the United States government will be prepared to accept the principle of arbitration proposed above. Should this offer be agreed to, it will be for Mr. Seward to state what are the precise points which, in his opinion, may be and ought to be so dealt with. Any such proposal must necessarily be the subject of deliberate consideration on the part of her Majesty's government; but they will be prepared to entertain it in a friendly spirit, and with the sincere desire that its adoption may lead to a renewal of the good understanding formerly existing, and, as they hope, hereafter to exist, between Great Britain and the United States.

I am, &c.,

STANLEY.

Hon. Sir Frederick W. A. Bruce, G. C. B., *&c.*, *&c.*, *&c.*

Lord Stanley to Sir F. Bruce.

Foreign Office, *November* 30, 1866.

Sir: In another dispatch of this date I have confined myself exclusively to the consideration of the American claims put forward in Mr. Seward's dispatch to Mr. Adams of the 27th of August, and arising out of the depredations committed on American commerce by certain cruisers of the Confederate States.

But, independently of these claims, there may, for aught her Majesty's government know, be other claims on the part of American citizens, originating in the events of the late civil war, while there certainly are very numerous British claims arising out of those events, which it is very desirable should be inquired into and adjusted between the two countries. The two governments were in communication with each other on this subject in the latter part of the year 1862, and the draft of a convention for the settlement of such claims was actually under their consideration. Circumstances, however, prevented the matter being proceeded with at that time, and indeed it was premature to enter into such a convention while the civil war was still raging and new claims were continually starting up. The time seems now favorable for reviving the subject.

The government of the United States have brought before that of her Majesty one class of claims of a peculiar character, put forward by American citizens, in regard to which you are authorized by my other dispatch of this date to make a proposal to Mr. Seward; but her Majesty's government have no corresponding class of claims to urge upon the attention of the American government. Her Majesty's government think, however, that they may fairly invite the government of the United States to undertake that, in the event of an understanding being come to between the two governments with reference to the manner in which the special American claims to which my other dispatch alludes shall be dealt with, they will agree that, under a convention to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries, arising out of the events of the late

war, shall be submitted to examination by a mixed commission, as in a former instance, for examination, with a view to their eventual payment by the government adjudged to be responsible.

You will make a communication to Mr. Seward to the effect of this dispatch.

I am, &c.,

STANLEY.

Hon. Sir Frederick W. A. Bruce, G. C. B., &c., &c., &c.

Mr. Seward to Sir F. Bruce.

Department of State,
Washington, January 12, 1867.

Sir: I have the honor to acknowledge the receipt of your communication of the 7th instant, which is accompanied by a copy of a dispatch which was addressed to you by Lord Stanley on the 30th of November. In that communication Lord Stanley sets forth the views taken by her Majesty's government of the so-called Alabama claims, presented in my dispatch to Mr. Adams, No. 1835, and concludes with proposing the principle of arbitration, attended with some modification, in regard to those claims. You inquire whether the government of the United States is prepared to accept that principle as contained in that dispatch. I have the honor to say in reply that, following the course of proceeding which has hitherto prevailed, I have to-day communicated, in a dispatch to Mr. Adams, the views of this government concerning the question which you propound, and have instructed him to submit a copy* of the same to Lord Stanley. I cheerfully give you, however, a copy of that paper for your information. Her Majesty's government will learn from it that this government will expect a further communication from them before deciding the question of accepting the principle of arbitration. You also inquire whether, in the event of an understanding being come to between the two governments as to the manner in which the special American claims alluded to in my dispach No. 1835, and in Lord Stanley's answer thereto, this government would be willing to enter into a convention for a mixed commission upon the general claims of the subjects and citizens of the two countries not involved in that correspondence, such convention to be independent and separate from but simultaneous with the completion of an understanding in regard to the disposition of the special claims. On this point I have the honor to reply that, although this latter question must, under present circumstances, be held in reserve, yet it will be cheerfully taken into consideration when we shall have been favored with the further views of her Majesty's government upon the special matters under discussion, and shall thus be enabled to determine the probabilities of effecting a final arrangement for a settlement of those special claims.

I have, &c.,

WILLIAM H. SEWARD.

Sir Frederick W. A. Bruce, &c., &c., &c.

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* For this inclosure see dispatch from Mr. Seward to Mr. Adams, No. 1906, January 12, 1867.

Mr. Seward to Mr. Adams.

No. 1906.] DEPARTMENT OF STATE,
Washington, January 12, 1867.

SIR: A copy of a dispatch written by Lord Stanley on the 30th of November last has been submitted to me by her Majesty's minister plenipotentiary here, Sir Frederick W. A. Bruce. It contains a review of my dispatch No. 1835, concerning so-called Alabama claims.

You will please lay before Lord Stanley this reply.

The President appreciates the consideration and courtesy manifested by her Majesty's government. I shall be content on this occasion with defending such of my former statements as Lord Stanley has disallowed. I think it unnecessary to disclaim a purpose of impugning the motives of the late or of the present ministry. Governments, like individuals, necessarily take their measures with reference to the facts and circumstances as they, at the time, appear. The aspect often changes with further development of events. It is with ascertained facts, and not with intentions, that we are concerned; and it is of Great Britain as a state, and not of any minister or ministry, that we complain.

Lord Stanley justly reminds me that the Sumter was of American, not of British origin, and that she began her career by escaping from New Orleans, and not from a British port. I think, however, that the correction does not substantially affect the case. The Sumter, belonging to loyal owners, was employed in trade between New York and New Orleans. Insurgents seized and armed her there, and sent her out through the blockade. She captured several United States merchant vessels and sent them into Cienfuegos. On the 30th of July, 1861, she entered the British port of Trinidad, in the West Indies, ostentatiously displaying an insurgent flag, which had not then, nor has it ever since, been recognized as a national ensign, either by the United States or by Great Britain, or by any other state. Being challenged, she presented a pretended commission signed, not by the President of the United States, but by Jefferson Davis, an insurgent chief. The governor of Trinidad exhibited the British standard as a compliment to the insurgent visitor. The Sumter was entertained there six days and supplied with coal. After renewed depredations she took shelter, on the 19th of January, 1862, in the British port of Gibraltar, in continental Europe. Being effectually locked in there for months by United States cruisers, she was, against the protest of this government, allowed to be sold to British buyers for the account and benefit of the insurgents. She then hoisted the British flag, and under it was received at Liverpool, within the British realm.

It is indeed true, as Lord Stanley has observed, that the Alabama, when she left England, was wholly unarmed and not fully equipped as a war vessel. It is also true that she received an armament, a further equipment, a commander and a crew, in Angra Bay, Azores—a possession of the Crown of Portugal—where the British government had no jurisdiction, and could exercise no lawful control even if they had an opportunity. But, on the other hand, it is to be remembered that, not only was the vessel built at Liverpool, but the armament and the supplemental equipment were built and provided there also, simultaneously and by the same British hands, and also that the commander and crew were gathered and organized at the same time and the same place; the whole vessel, armament, equipment, commander, and crew were adapted, each part to the other, and all were prepared for one complete expedi-

tion. The parts were fraudulently separated in Liverpool, to be put together elsewhere, and they were fraudulently conveyed thence to Angra Bay and there put fraudulently together by her Majesty's subjects, not less in violation of British than of Portuguese obligations to the United States. The offenders were never brought to justice by her Majesty's government, nor complained of by that government to the Queen of Portugal. The Alabama, from the laying of her timbers in Liverpool until her destruction by the Kearsarge, off Cherbourg, never once entered any port or waters of the United States. Whatever pretended commission she ever had as a ship of war must have been acquired either in Great Britain or some other foreign country at peace with the United States, or on the high seas. Nevertheless, the Alabama was received, protected, entertained, and supplied in her devastating career in the British ports of Cape Town and Singapore in the east, and when she was finally sunk in the British Channel, her commander and crew were, with fraudulent connivance, rescued by British subjects, and ostentatiously entertained and caressed as meritorious but unfortunate heroes at Southampton. With these explanations I leave the affair of the Alabama where it was placed in the representation of Mr. Adams.

Lord Stanley says that the Florida, under the original name of Oreto, left England unarmed and unequipped. It must not be forgotten, however, that while building she was denounced to her Majesty's government by Mr. Adams. Lord Stanley also says that the Shenandoah left England unobserved, and therefore unquestioned, and, for anything that had transpired, on a legitimate voyage, and that she was only armed, equipped, and manned as a war vessel off Funchal, within Portuguese dominion. I am sure that it must be unnecessary to refer here to the fact that the building of the Florida, the Georgia, and the Shenandoah in British ports, and the arming and equipment of them outside of British jurisdiction, were fraudulent in the same manner that has been specially described in regard to the Alabama. The Shenandoah was received, protected, and supplied in defiance of our protest, at Melbourne, in Australia. She proceeded thence to the Arctic Seas, where she destroyed twenty-nine United States merchant vessels, and finally, after the end of the rebel hostilities here, she returned to Liverpool, the place from which she had first gone forth, and there surrendered herself to her Majesty's government as to an ally or a superior.

Lord Stanley excuses her Majesty's government in part upon the ground that sufficient evidence or notice was not presented by the United States, in part upon the ground of accidental hindrances or embarrassments, while in one place he seems to imply that the only devastating vessels of which we complain are the Sumter, the Alabama, the Florida, and the Shenandoah. In regard to the first excuse, I have to say that British complaints of lack of vigor on our part would, under any circumstances, be unreasonable. International as well as municipal laws depend for their execution in Great Britain upon her Majesty's government, and not upon our own. Again, I think that Lord Stanley will find, by referring to unpublished records in the Foreign Office, what certainly appears in our confidential archives, that at the time when the fraudulent building, arming, and equipping of those vessels were going on in England, we were required, out of tenderness to British sensibilities and with the approval of her Majesty's government, to relax rather than increase our vigilance, then called by the repulsive name of espionage.

In relation to the second excuse, I think that the alleged hindrances and embarrassments were nothing else than the skillful machinations of the offending parties themselves. In enumerating certain vessels in my

former communication, I wrote of them not as all the vessels complained of, but by way of describing the class of which we complained. There were many others. The Nashville, stolen from loyal owners at Charleston, after having evaded the blockade, and after having captured the Harvey Birch, arrived at Southampton on the 20th of November, 1861. She was entertained there until February 3, 1862, and then left the harbor, protected from the United States cruiser Tuscarora by her Majesty's war frigate Shannon. She was afterwards hospitably entertained at the British ports of Bermuda and Nassau, in the West Indies. The Alabama improved her own crafty experience. Having in one of her cruisers captured the United States merchant ship Conrad near the Cape of Good Hope, on the 21st of June, 1863, she commissioned the Conrad as a "confederate" pirate on the high seas, under the name of the Tuscaloosa. In like manner the Florida captured the merchant ship Clarence upon the ocean, and commissioned her, and gave her an armament, force, and equipment of a 12-pound howitzer, twenty men, and two officers. Afterwards the Florida transferred the same authority, armament, and equipment to the Tacony on the high seas, which vessel captured, bonded, or destroyed ten United States merchant vessels off the Atlantic coast.

Having recalled these facts, I must now beg leave to reaffirm as substantially correct my former statement, the statement to which Lord Stanley has excepted, namely: the Sumter, the Alabama, the Florida, the Shenandoah, and other ships of war, were built, armed, equipped, and fitted out in British ports, and dispatched therefrom by or through the agency of British subjects, and were harbored, sheltered, provided, and furnished, as occasion required, during their devastating career, in ports of the realm, or in ports of the British colonies in nearly all parts of the globe.

Lord Stanley excuses the reception of the vessels complained of in British ports subsequently to their fraudulent escapes and armament on the ground that when the vessels appeared in those ports they did so in the character of properly commissioned cruisers of the government of the so-styled Confederate States, and that they received no more shelter, provisions, or facilities than was due to them in that character. This position is taken by his lordship in full view of the facts that, with the exception of the Sumter and the Florida, none of the vessels named were ever found in any place where a lawful belligerent commission could either be conferred or received. It would appear, therefore, that in the opinion of her Majesty's government a British vessel, in order to acquire a belligerent character against the United States, had only to leave the British port where she was built clandestinely, and to be fraudulently armed, equipped, and manned anywhere in Great Britain or in any foreign country or on the high seas, and in some foreign country or upon the high seas to set up and assume the title and privileges of a belligerent, without even entering the so-called confederacy or ever coming within any port of the United States. I must confess that if a lawful belligerent character can be acquired in such a manner, then I am unable to determine by what different course of proceeding a vessel can become a pirate and an enemy to the peace of nations.

Lord Stanley defends the Queen's proclamation of neutrality by quoting against me certain utterances of the Supreme Court of the United States and of the District of Columbia, of which he says her Majesty's government has seen no refutation. Certainly it is not my purpose to refute these utterances. They were made by learned and loyal tribunals. Moreover, Lord Stanley understands them correctly as showing

that, at the time they were pronounced, it was the opinion of those courts that a civil war was actually existing in the United States, and that it was existing at the time when the causes of action arose in the cases which the courts were adjudicating. I may admit further, that the courts referred to the President's blockade proclamation, which preceded the Queen's neutrality proclamation, as one among the facts which proved that the controversy here was not a mere local insurrection, but had all the gravity, character, and consequences of a civil war.

But I must insist, on the other hand, first, that neither of the judicial utterances referred to asserts or admits that the President's blockade proclamation expressly and in form declared or recognized the existence of civil war, and, in the second place, that both of these judicial utterances unmistakably imply the contrary. The district court of Columbia pronounced its opinion on the 17th of June, 1861. The Supreme Court of the United States withheld its opinion until the 10th of March, 1863. The capture which constituted the cause of action in the district court occurred on the 21st of May, 1861; the captures concerning which the Supreme Court of the United States adjudicated occurred on the 17th of May, 1861, the 20th of May, 1861, the 23d of June, 1861, and the 10th of July, 1861. The Queen's proclamation of neutrality had appeared before either court pronounced its opinion, and before either cause of action arose. British subjects were claimants in some, and other foreigners were claimants in others of these litigations. Among the facts of which the Supreme Court took notice, and which they set forth as the grounds of their opinion, is the following:

"As soon as the news of the attack on Fort Sumter, and the organization of a government of the seceding States assuming to act as belligerents, could become known in Europe, to wit, on the 13th of May, 1861, the Queen of England issued her proclamation of neutrality, recognizing hostilities as existing between the government of the United States of America and certain States styling themselves the Confederate States of America. This was immediately followed by similar declarations or silent acquiescence by other nations."

This statement served to prepare the way for the proposition which became a chief basis in the decision of the Supreme Court, to wit: "After such an effectual recognition by the sovereign, the citizen of a foreign state is estopped to deny the existence of a war and its consequences as regards neutrals." It is thus seen that the decision of the Supreme Court, which Lord Stanley quotes in defense of the Queen's proclamation of neutrality, was based upon the proclamation itself, and thus the proclamation defended and the defending opinion of the Supreme Court reciprocate each other. The district court of Columbia is only an inferior local tribunal, whose unreviewed reasoning would not anywhere be deemed authoritative upon international questions. I might, therefore, bring my remarks upon the Queen's proclamation of neutrality to an end, but I desire to leave nothing unsaid that might tend to elucidate the subject. The issue between the United States and Great Britain, which is the subject of the present correspondence, is not upon the question whether a civil war has recently existed in the United States, nor is the issue upon that other question, namely, whether such a civil war was actually existing here at the date of the Queen's proclamation of neutrality. Certainly there is a stage when a civil commotion, although attended by armed force, is nevertheless in fact only a local insurrection, as it is also true that local insurrections often transcend municipal bounds and become civil wars. It is also important, and generally difficult and perplexing, to recognize and definitely determine the transition stage with absolute precision. The disturbed nation

suffers a serious loss of advantages if recognition is prematurely made. The insurrectionary party may suffer a serious loss if it be too long and unjustly withheld. Strangers who may be dealing with one or the other may be injuriously affected in either case. Now what is alleged on the part of the United States is that the Queen's proclamation, which by conceding belligerent privileges to the insurgents, lifted them up for the purposes of insurrection to an equality with the nation which they were attempting to overthrow, was premature because it was unnecessary, and that it was in its operations unfriendly because it was premature.

The discussion necessarily involves a history of that proclamation. On the 28th of February, 1861, the United States, in the customary manner of international conference, announced to Great Britain, as well as to other friendly nations, that certain United States citizens dwelling in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, had, in pretended State conventions, and in a so-called but unlawful congress, on paper, pronounced a secession or separation from the federal government, and asserted themselves by the style of the Confederate States of America. The United States, for special reasons, warned her Majesty's government that seditious emissaries would endeavor to procure from Great Britain a recognition of the pretended confederacy. The United States protested against such a proceeding. Her Majesty's principal secretary for foreign affairs, on the 22d of March, 1861, listened to the announcement thus made as one which he expected, and said that her Majesty's government had reached no definite conclusion as to a proper course of action. He observed that he had seen a private letter, from which he inferred that accredited ministers or commissioners, authorized to negotiate for recognition, would be shortly sent to Europe by the so-called secessionists. This answer plainly indicated a preparation for the very decision against which the United States protested. On the 9th of March thereafter, the President of the United States caused the before-mentioned monition and protest to be renewed, with the assurance to her Majesty's government that he then entertained a full confidence in a speedy restoration of the harmony and unity of the government, through judicious measures co-operating with a deliberate and loyal action of the American people. The President earnestly desired her Majesty's government not to intervene in any unfriendly way in the domestic concerns of this country. He distinctly stated further that he would take care in every case to render any possible injuries which foreigners might suffer as light as possible, and fully to indemnify them. In answer to this latter communication, her Majesty's government, on the 8th of April, 1861, said that the matter seemed not yet ripe for decision, one way or the other, and that this was all that at that moment they could say. They added, however, a statement that English opinion seemed to be tending toward the theory that a peaceful separation of the American Union might work beneficially for both groups of States, and might not injuriously affect the rest of the world. It was then made known that the subject was to be debated on that very day in the House of Commons, and that six days thereafter a motion for absolute recognition of the pretended confederacy, otherwise called there a new nation, would be pressed in Parliament. When these facts became known to this government care was taken to reply that the answer of the foreign secretary of state was by no means satisfactory, and her Majesty's government was therefore advised that they were at liberty to choose whether they would retain the friendship of the United States by refusing all aid and comfort to their domestic enemies, or whether her Majesty's government would take the precarious benefits of a different course. It was not long left in doubt in European circles which alterna-

tive Great Britain would elect. Her Majesty's principal secretary for foreign affairs having invited a conference on the 2d* of May, announced to the United States minister in London, Mr. Dallas, that three representatives of the so-called southern confederacy were then in that capital, and that he, Lord Russell, was willing to see them unofficially. He then made the important announcement that there already existed an understanding between her Majesty's government and that of France, which would lead both to take the same course as to recognition, whatever that course might be. The United States minister, of course unprepared with instructions to meet these revelations, certainly unlooked for here, replied that his appointed successor, Mr. Adams, was then on his voyage, and might be expected within ten or fifteen days. The secretary acquiesced in the expediency of waiting for the coming of the new minister. The proposed movement in Parliament for recognition was, at the instance of the secretary of foreign affairs, postponed.

When the President received an account of the last-mentioned interview, he then was unable, as the United States are yet unable, to perceive how it was thought by her Majesty's government entirely considerate in regard to the United States to consult and agree with France upon a question vital to the United States without affording them a hearing. Moreover, the United States were then unable, as they are yet unable, to perceive how it is justly considered by her Majesty's government any more lawful, just. or friendly to entertain traitors against the United States, with a view to business negotiations with them, unofficially and privately, than it is to entertain and negotiate with them officially and publicly. Be this as it may, Earl Russell's explanations revealed to the United States the fact that even thus early, before any effective military advantage had been gained by the insurgents, and even before any meditated blow had been given by this government in its own defense, the British government, Parliament, and people were entertaining privately, and not unkindly, debates with the insurgents and with a foreign power, which involved nothing less than a direct and speedy sanction of the rebellion in the United States, and a dissolution of the American Union. They were yet unwilling to believe that Great Britain would take such a course with unconcealed precipitancy. Mr. Adams, the new minister, in the mean time had been charged with the duty of counteracting the appeals of the disunionists, and was prepared to answer every argument which they could advance, either on the score of British interest, or under the pretext of zeal for the freedom of trade or for the freedom of men. The insurgent emissaries reached London on the 30th of April. The President's blockade proclamation, which was issued on the 13th of April, reached London on the 3d of May.† On the 4th of May, only two days after the conference of Mr. Dallas with Lord Russell, he favored the insurgent emissaries with an unofficial interview. He patiently, it is not for us to say confidingly, heard them disclaim slavery as a principal cause of the in-

* 2d of May should be 1st of May.

† It appears, upon further investigation, that the news of the promulgation of the President's blockade proclamation, which was issued at Washington on the 19th of April, reached London, by means of the *land* telegraph on both sides of the Atlantic, on the 2d of May. (The ocean cable was not then in operation.) But a correct statement of the terms of the proclamation itself could not have reached the British government at that date, as an imperfect newspaper abstract of its contents was all that had been forwarded to them, (see Vol. I, p. 22.) The full text of the document was not officially communicated to Lord Lyons until the 27th of April, on which day it was forwarded by him to his government, and received at the Foreign Office May 14. This is proved by an official indorsement of the Foreign Office upon the note from Lord Lyons, communicating a copy of Mr. Seward's note, inclosing the proclamation, which

cipient rebellion, while they alleged that its real cause was the high prices which the so-called South was obliged to pay for manufactured goods by way of protecting so-called northern manufacturers. They favored him with glowing statements of the South, and its exports valued by millions. He answered that, when the question of recognition should come to be formally discussed, inquiry must be made on two points: first, whether the body seeking recognition could maintain its position as an independent state; and, secondly, in what manner it was proposed to maintain relations with foreign states. After reviewing this conversation, is it to be wondered at that the traitors, when retiring from this interview, assured his lordship that they would rest in London in the hope that a recognition [of the sovereignty] of the southern confederacy would not long be delayed? Two days later, namely, on the 6th of May, the principal secretary for foreign affairs announced in Parliament that the ministry had consulted the law officers of the Crown—the attorney general and the solicitor general, and the Queen's advocate—and her Majesty's government had come to the opinion that the southern confederacy of America, according to the principles which seemed to them to be just principles, must be treated as a belligerent. The Queen's proclamation, which went half the way toward recognition of the so-called southern confederacy, was issued at London on the 15th of May,* in the morning. Mr. Adams arrived there in the evening.† He was officially received on the 16th. This is the history of the Queen's proclamation of neutrality. What I wrote concerning it in the dispatch which Lord Stanley has reviewed, is as follows:

"While as yet the civil war was undeveloped, and the insurgents were without any organized military forces or treasury, long before they pretended to have a flag or to put an armed ship or even a merchant vessel upon the sea, her Majesty's government, acting precipitately as we have always insisted, proclaimed the insurgents a belligerent power, and conceded to them the advantages and privileges of that character, and thus raised them, in regard to the prosecution of an unlawful armed insurrection, to an equality with the United States. The United States remain of the opinion that the proclamation has not been justified on any ground of either necessity or moral right; that, therefore, it was an act of wrongful intervention, a departure from the obligations of existing treaties, and without sanction of the law of nations."

Lord Stanley's principal point, in defending the Queen's proclamation, is, that it did no more than acknowledge a state of war which had already been recognized by the President himself in his proclamation of a blockade, which was issued on the 19th of April, 1861, and his further proclamation, which was issued on the 27th day of April, 1861. We

indorsement is in the following words, viz: "Received May 14." See Parliamentary Sessions Papers for 1861, vol. 65, p. 583, document entitled "Correspondence with the United States government respecting Blockade," p. 1.

The telegraph summary, which was all the information received by the British government down to the 14th of May, did not even purport to give the text of the document, but only stated as an item of news that the President had issued a proclamation, and entirely omitted the last clause of that instrument, which denounced the penalties of piracy on certain persons and no official signature of the President or Secretary of State was attached to it.

Telegraphic and postal communication was interrupted between Baltimore and Washington on the morning of the 20th of April, and continued so interrupted till the 27th of April.

* This should read May 13.

† Mr. Adams arrived on the evening of the 13th, but on applying for an interview with the British secretary of state for foreign affairs the next morning, he found himself anticipated by the official promulgation of the Queen's proclamation as of the previous day.

have already seen that the Supreme Court of the United States and that of the District of Columbia, in their opinions, did not pretend, admit, or imply that the President's aforementioned proclamations expressly and in form declared or recognized a state of civil war. So Lord Stanley, with commendable candor, refrains from making any similar claim in regard to the President's blockade proclamations. The courts reached their conclusion that a state of civil war was existing at the time of the maritime captures which were under consideration by processes of reasoning and argument. Lord Stanley is content with adopting the court's argument in identical words. He quotes from the Supreme Court:

"The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact."

Lord Stanley quotes also the words that

"The proclamation of blockade is conclusive evidence to the court that a state of war existed."

And in the same sense he quotes from the court of the District of Columbia:

"That the fact of the secession of the southern States, as set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists."

The courts correctly understood the facts with which they had to deal. In the causes which were before those courts, the claimants insisted that a state of civil war was not existing at the time of the respective captures. They so insisted on the ground that no competent authority had declared a civil war, or had acknowledged the insurrection as a civil war giving rise to belligerent rights, that Congress had not so defined, described, or acknowledged it, and that the President had not by his proclamations so named, baptized, or recognized it.

The recitals from the courts sustain the historical view of the case which I have presented. Before the Queen's proclamation of neutrality the disturbance in the United States was merely a local insurrection. It wanted the name of war to enable it to be a civil war and to live, endowed as such with maritime and other belligerent rights. Without that authorized name it might die, and was expected not to live and be a flagrant civil war, but to perish a mere insurrection.

It was, therefore, not without lawful and wise design that the President declined to confer upon the insurrection the pregnant baptismal name of civil war, to the prejudice of the nation whose destiny was in his hands. What the President thus wisely and humanely declined to do, the Queen of Great Britain too promptly performed. She baptized the slave insurrection within the United States a civil war; and thus, so far as the British nation and its influence could go, gave it a name to live, and flourish, and triumph over the American Union. By this proceeding the Queen of Great Britain intervened in the purely domestic and internal affairs of the United States, and derogated from the authority of their government. Reference to the events of the time will show that she misunderstood entirely the actual situation. The President's first proclamation against the insurrection was issued on the 15th of April. He described the condition of affairs as one in which the laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings. He called out the militia for a short term of service, to suppress those combinations, and to cause the laws of the land to be duly executed. He expressly declared that the first service assigned to the militia forces would probably be to repossess the forts,

places, and property which had been seized from the Union; and that, in every event, the utmost care would be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceful citizens of any part of the country; and he commanded the forces composing the combinations before mentioned to disperse, and to return to their respective abodes within twenty days. He at the same time convoked Congress for the 4th day of July, to consider the state of the Union. So also, in the President's second or supplemental proclamation of the blockade, he defined its necessity as arising from an insurrection which had broken out in the States therein named, by means whereof the uniform laws of the United States for the collection of revenue could not be effectually executed. He recited, further, that a combination of persons engaged in such insurrection had threatened to grant pretended letters-of-marque. He declared, further, that he had required the persons engaged in these disorderly proceedings to desist therefrom, and had called out the militia to restore order and the supremacy of the laws. All these declarations, recitals, warnings, and commands are the especial features of governmental proclamations, designed to suppress local insurrections without suffering them to attain the form and dimensions of civil war. It was the absolute right of this government to treat the insurrection in this manner; and, in our opinion, it was not a right of Great Britain, by any recognition of the insurgents, either as sovereign or as belligerent, to defeat the wise and humane measures of the President in that respect. It will be found, we think, that all nations which have desired to practice justice and friendship toward a state temporarily disturbed by insurrection, have forborne from conceding belligerent privileges to the insurgents, in anticipation of their concession by the disturbed state itself. A nation which departs from this duty always practically commits itself as an ally to the the insurgents, and may justly be held to the responsibilities of that relation.

I pass, without comment, Lord Russell's justification of the Queen's proclamation, assimilating the situation here in 1861 to that of the Greeks rising against their Turkish oppressors in 1825. It could hardly be expected that this government would be convinced by an argument that assimilates them to the Ottoman power in its decline, and the slaveholding insurgents to the Christian descendants of heroic Greece, in their reascent to civilization. Lord Stanley thinks that the Queen's proclamation could have no tendency to encourage and create into a civil war a political convulsion which otherwise would have remained a mere local insurrection. If it were true that an insurrection requires no new powers, faculties, and attributes, when it receives from its own or a foreign government the baptismal name of civil war, the point which Lord Stanley raises might require grave consideration. Such, however, is not generally the case: and certainly it was not the case in the late contest here. Provisions and treasures, arms, ordnance, and munitions of war, and even ships of war, began to pour forth from the British shores in support of the insurgent cause, so soon as the Queen's recognition of it as a belligerent was proclaimed; and they continually increased, until it was finally suppressed by the vigor and energy of this government. The commercial losses of the United States, which are the immediate subject of the present correspondence, are only a small part of the damage which this country has sustained at the hands of British abettors of the insurgents. But will Lord Stanley please to refer to the table in which these special losses are presented, showing ninety-five merchant vessels, with ten millions of property, destroyed by the cruisers, which

practically were sent forth from the British shores, and say whether he believes it possible that such destructive proceedings could have occurred if Great Britain had not conceded belligerent rights to the insurgents. Nor is it to be overlooked that foreign moral sanction and sympathy are of more value to a local insurrection than even fleets and armies.

Lord Stanley presents the considerations which induced the issue of the Queen's proclamation. He says that her Majesty's government had to provide at a distance for the loss and interests of British subjects in or near the seat of war. But who required British subjects to be there? Who obliged them to remain in a place of danger? If they persisted in remaining there, had they not all the protection that citizens of the United States enjoyed. Were they entitled to more? Moreover, does the jurisdiction of Great Britain extend into our country to protect its citizens sojourning here from accidents and casualties to which our own citizens are equally exposed? Lord Stanley continues: Her Majesty's government had to consider the rapidity with which events were succeeding one another on the American continent, and the delay which must elapse before intelligence of those events could reach them, and the pressing necessity for definite instructions to the authorities in their colonies and on their naval stations near the scene of the conflict. On the contrary, it seems to us that prudence and friendship, had they been deliberately consulted, would have suggested to her Majesty's government to wait for the development of events and definitive action of the United States.

Lord Stanley repeats from Earl Russell, and reaffirms that "her Majesty's government had but two courses open to them on receiving intelligence of the President's proclamation, namely, either that of acknowledging the blockade and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade and insisting upon the right of her Majesty's subjects to trade with the ports of the South where the government of the United States could exercise no fiscal control at that time."

With due respect, I must demur to this statement. The disturbance being, at the time referred to, officially and legally held by the government of the United States to be a local insurrection, this government had a right to close the ports in the States within the scene of the insurrection, by municipal law, and to forbid strangers from all intercourse therewith, and to use the armed and naval forces for that purpose. A blockade was legitimately declared to that end; and, until the state of civil war should actually have developed, the existence of a blockade would have conferred no belligerent rights upon the insurgents. In choosing the blockade as a form of remedy less oppressive than the closing of the ports by statute, the United States might perhaps have come under an obligation to respect any just rights and interests of aliens which might have been infringed. There was, however, no just ground of apprehension on that subject, for the history of the time shows that those rights were in all cases inviolately respected.

Again, the blockade could have been suitably acknowledged by her Majesty's government without a proclamation conceding belligerent rights to the insurgents. Certainly forbearance from foreign strife can be practiced, like every other national virtue, without public proclamation. There is hardly a nation in any part of the world which has not been disturbed by both internal and external wars since the United States became an independent maritime power. I find, however, in our records that the United States have accorded a recognition of belligerent rights only in one case, namely, in the case of the flagrant war between

France and the allied European powers in 1793. In all other cases we have either disallowed belligerent rights or preserved silence.

Lord Stanley says that "if Mr. Seward means to base the present claims on the ground that the British government should, while acknowledging the blockade, have awaited the arrival of a confederate ship of war in British ports before admitting the possession by the 'Confederate States' of a ship of war, and, therefore, their right to be treated on the high seas as a belligerent power, a reference to dates will show that the question would have been raised on the arrival of the Sumter at Trinidad, and of the Nashville at Southampton, some months before Mr. Adams laid his complaint against the vessels mentioned in the summary of claims."

To this argument it is deemed a sufficient reply that neither of the two vessels named in fact appeared in a British port or upon the high seas until after the Queen's proclamation, which tendered hospitalities and assistance to them, was issued.

I do not deem it necessary to reply at large to the reflections which Lord Stanley makes upon the conduct of this government in regard to the proceedings of the so-called Fenians. The Fenian movement neither begins nor ends in the United States; the movers in those proceedings are not native citizens of the United States; but they are natives of Great Britain, though some of them have assumed naturalization in the United States. Their quarrel with Great Britain is not an American but a British one, as old, I sincerely hope it may not be as lasting, as the union of the United Kingdom. Their aim is not American but British revolution. In seeking to make the territory of the United States a base for the organization of a republic in Ireland, and of military and naval operations for its establishment there, they allege that they have followed as an example proceedings of British subjects in regard to our civil war, allowed by her Majesty's government. The policy and proceedings of the two governments in regard to those parallel movements have not assimilated. The United States government has not recognized the Irish republic as a belligerent, and has disarmed its forces when found within our territories and waters.

With regard to the manner in which this protracted controversy shall be brought to an end we agree entirely with the sentiments expressed by Lord Stanley. We should even think it better that it be brought to to an end which might, perhaps, in some degree disappoint the parties, than that it should continue to alienate the two nations, each of which is powerful enough to injure the other deeply, while their maintenance of conflicting principles in regard to intervention would be a calamity to all nations. The United States think it not only easier but more desirable that Great Britain should acknowledge and satisfy the claims for indemnity which we have submitted, than it would be to find an equal and wise arbitrator who would consent to adjudicate them. If, however, her Majesty's government, for reasons satisfactory to them, should prefer the remedy of arbitration, the United States would not object. The United States, in that case, would expect to refer the whole controversy just as it is found in the correspondence which has taken place between the two governments, with such further evidence and arguments as either party may desire, without imposing restrictions, conditions, or limitations upon the umpire, and without waiving any principle or argument on either side. They cannot consent to waive any question upon the consideration that it involves a point of national honor; and, on the other hand, they will not require that any question of national pride or

honor shall be expressly ruled and determined as such. If her Majesty's government shall concur in these views, the President will be ready to treat concerning the choice of an umpire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[From British Blue Book, "North America," No. 1, 1867, p. 32.]

No. 6.

Sir F. Bruce to Lord Stanley.

WASHINGTON, *January* 14, 1867.

MY LORD: I have the honor to inclose a copy, just received, of a note* from Mr. Seward, in reply to that which I addressed to him on the 7th instant, forwarding copy of your lordship's dispatch in reply to Mr. Adams's proposal with reference to the settlement of claims arising out of the civil war.

I have, &c.,

FREDERICK W. A. BRUCE.

[From British Blue Book, "North America," No. 1, 1867, p. 32.]

No. 5.

Lord Stanley to Sir F. Bruce.

FOREIGN OFFICE, *January* 24, 1867.

SIR: Her Majesty's government approve the note which you have addressed to Mr. Seward, communicating the proposals which you were instructed to make to the United States government with a view to the settlement of the Alabama and other claims, of which a copy was inclosed in your dispatch of the 7th instant.

I am, &c.,

STANLEY.

Mr. Adams to Mr. Seward.

No. 1306.] LEGATION OF THE UNITED STATES,
London, January 25, 1867.

SIR: I have to acknowledge the reception of dispatches from the department numbered from 1902 to 1905, inclusive, and of a printed circular of the 5th instant, in regard to the duties on French vessels.

A volume, containing the correspondence between Lord Russell and myself touching the cases of the Alabama and Shenandoah, has been issued from the press this week. It appears to have been compiled by his lordship apparently for the purpose of sustaining himself against the growing impression in this kingdom that his treatment of the subject was

* For inclosure see preceding note from Mr. Seward to Sir F. Bruce, dated January 12, 1867.

not wholly satisfactory. The most material ommission seems to be that of your dispatch No. 1612, of the 30th of November, 1865, which I read to Lord Clarendon, the insertion of which would seem to be called for by that of his lordship's answer to it through Sir Frederick Bruce. With the exception of the appendix, and two or three notes of reference to it, there is no appearance of any wish to bias the reader's judgment of the simple text. Deeming it possible that this volume might be of use to you, I have the honor to transmit three copies herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Mr. Seward's dispatch No. 1612 is printed under "Rebel Cruisers," subdivision "The Shenandoah," p. 469.]

Mr. Adams to Mr. Seward.

[Extract.]

No. 1310.] LEGATION OF THE UNITED STATES,
London, January 30, 1867.

SIR: * * * * * * * *

According to your instructions, I have transmitted a printed copy of your dispatch addressed to me, No. 1906, of the 12th of January, to Lord Stanley.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Lord Stanley.

LEGATION OF THE UNITED STATES,
London, January 28, 1867.

MY LORD: I have the honor to transmit herewith a copy of a dispatch* just received from the Secretary of State of the United States, dated the 12th instant, with instructions to lay it before you for the consideration of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. LORD STANLEY, *&c., &c., &c.*

[From British Blue Book, "North America," No. 1, 1867, p. 41.]

No. 8.

Lord Stanley to Mr. Adams.

FOREIGN OFFICE, *January* 30, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 28th instant, forwarding a copy of a dispatch from Mr. Seward, replying

* For inclosure see dispatch from Mr. Seward to Mr. Adams, No. 1906, January 12, 1867, *ante.*

to the proposals contained in my dispatch to Sir Frederick Bruce, of the 30th of November last, with regard to the settlement of claims arising out of the civil war in the United States; and I have the honor to state that Mr. Seward's dispatch will receive the full consideration of her Majesty's government.

I am, &c.,

STANLEY.

[Communicated through the British Legation.]

Lord Stanley to Sir F. Bruce.

FOREIGN OFFICE, *March* 9, 1867.

SIR: I transmit to you herewith a copy of Mr. Seward's reply, which was communicated to me by Mr. Adams on the 28th of January, to my dispatch of the 30th of November, on the subject of the Alabama claims.

In this reply, as you will perceive, Mr. Seward re-states and enforces the allegations made on the part of the United States in the previous correspondence on the subject of these claims, and again discusses the character of the vessels in whose depredations on the commerce of the United States the claims originate, the responsibility of the British government for the equipment and proceedings of those vessels, and above all, the liabilties incurred by the British government by reason of its recognition of the belligerent character of the so-called Confederate States.

It appears to her Majesty's government that no useful result can be obtained by following Mr. Seward over these grounds. They have been fully discussed in the course of a long protracted correspondence. No new light can be thrown on the subject-matter of dispute by reviving an exhausted controversy, or by reiterating statements and arguments elaborately maintained or disputed on either side. Such a course would be calculated rather to defeat than to promote the object which the British government, and, doubtless, that of the United States, has most at heart, namely, the amicable adjustment of the existing points of difference.

I will abstain, therefore, from any detailed examination of the statements in Mr. Seward's dispatch of the 12th of January, and will only, for the sake of historical accuracy, specifically allude to two points; in regard to the first of which it is to be observed that, whatever may be found in the confidential archives of the United States, the unpublished records of the British (Foreign) Office, as Mr. Seward designates them, do not, so far as I am able to discover, bear out the allegation that any influence was exerted by the British government to induce the authorities of the United States, in any quarter of the world, to relax their vigilance in detecting and bringing home to suspected parties attempts or intentions to infringe the municipal laws of England, or to evade her international obligations; and on the second point I must repeat, in accordance with my former argument on the subject, that the President of the United States, and not the Queen of England, is primarily responsible for the acknowledgment of the belligerent character in the so-called Confederate States, and that, in recognizing the status of the so-called Confederate States as belligerent, the British government found itself associated with the greater part if not the whole of the maritime powers of Europe.

But I will not be led any further into a renewal of controversy on these or other points raised by Mr. Seward, and that not because I feel any doubt as to the possibility of maintaining the ground on which the British government have hitherto taken their stand, but because I feel that by doing so I should be more likely to retard than to advance a settlement of the real question at issue, namely, that of the liability of the British government to make good the losses occasioned to American commerce by the operations of confederate ships of war, in which British subjects are alleged at some time or other to have had more or less interest, and which in their character of confederate ships of war were at different times admitted into ports of her Majesty's dominions.

In my dispatch of the 30th of November, I explained to you the grounds on which her Majesty's government could not consent to refer to a foreign power to determine whether the policy of recognizing the Confederate States as a belligerent power was or was not suitable to the circumstances of the time when that recognition was made; but I at the same time expressed the willingness of her Majesty's government to entertain in a friendly spirit any proposal which might be made to them by the government of the United States to refer to arbitration other questions which might be at issue between the two governments in reference to the late war, and I desired you to invite Mr. Seward to state what were the precise points which, in his opinion, might be and ought to be so dealt with.

Mr. Seward, in his dispatch of the 12th of January, while suggesting that it would be "not only easier but more desirable that Great Britain should acknowledge and satisfy the claims for indemnity which we have submitted than it would be to find an equal and wise arbitrator who would consent to adjudicate them," goes on to say that if her Majesty's government should prefer the remedy of arbitration, the United States would not object, but in that case "would expect to refer the whole controversy, just as it is found in the correspondence which has taken place between the two governments, with such further evidence and arguments as either party may desire, without imposing restrictions, conditions, or limitations upon the empire, and without waiving any principle or argument on either side."

To such an extensive and unlimited reference her Majesty's government cannot consent, for this reason among others, that it would admit of, and indeed compel, the submission to the arbiter of the very question which I have already said they cannot agree to submit.

The real matter at issue between the two governments, when kept apart from collateral considerations, is whether in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted under its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens.

This is a plain and simple question, easily to be considered by an arbiter, and admitting of solution without raising other and wider issues; and on this question her Majesty's government are fully prepared to go to arbitration; with the further provision, that if the decision of the arbiter is unfavorable to the British view, the examination of the several claims of citizens of the United States shall be referred to a mixed commission with a view to the settlement of the sums to be paid on them.

But as they consider it of great importance, for the maintenance of good understanding between the two countries, that the adjudication of this question in favor of one or other of the parties should not leave

other questions of claims, in which their respective subjects or citizens may be interested, to be matter of further disagreement between the two countries, her Majesty's government, with a view to the common interest of both, think it necessary, as you have already apprised Mr. Seward in your letter of the 7th of January, "in the event of an understanding being come to between the two governments as to the manner in which the special American claims" which have formed the subject of the correspondence of which my present dispatch is the sequel "should be dealt with, that under a convention, to be separately but simultaneously concluded, the general claims of the subjects and citizens of the two countries, arising out of the events of the late war, should be submitted to a mixed commission with a view to their eventual payment by the government that may be judged responsible for them."

Such, then, is the proposal which her Majesty's government desire to submit to the government of the United States; limited reference to arbitration in regard to the so-called Alabama claims, and adjudication by means of a mixed commission of general claims.

You will read this dispatch to Mr. Seward and furnish him with a copy of it, as the deliberate reply of her Majesty's government to his dispatch of the 12th of January, and in doing so you will express to him the earnest hope of her Majesty's government that their present proposal will be accepted by the cabinet of Washington in the spirit in which it is made.

I am, &c.,

STANLEY.

Hon. SIR F. W. A. BRUCE, G. C. B., &c., &c., &c.

[For inclosure see dispatch from Mr. Seward to Mr. Adams, No. 1906, January 12, 1867, *ante*.]

Mr. Seward to Mr. Adams.

[Extract.]

No. 1952.] DEPARTMENT OF STATE,
Washington, March 28, 1867.

SIR: I acknowledge the receipt of your dispatch of the 8th of March, No. 1334, in which you give me, briefly, what is evidently very accurate, as it is important, information concerning the recent disturbances in Ireland. I avail myself of that information for the purpose of conferring with you informally and confidentially upon the condition of affairs between this government and that of Great Britain.

* * * * * * *

The House of Representatives, in the first session of the late Congress, with entire unanimity passed a bill to alter our neutrality laws so as to accommodate them to the standard of neutrality which they understood was maintained during our civil war by Great Britain. The Senate did not concur, and so the bill failed. There are, however, unmistakable indications that the sentiments which controlled the action of the House of Representatives are now gaining favor in the other branch of Congress, as well as among the people.

It is to be expected that time will add to the strength of the interest which demands that projected modification of our neutrality laws; because, first, the sense of injury is intensified by the delay of negotiations; and because, secondly, many ship-builders and other merchants of the United States are now earnestly taking part in the question. I

give you copies of certain resolutions just now adopted in the House of Representatives bearing upon our relations with Great Britain.

Lord Stanley proposes an arbitration of the Alabama claims, with a peliminary condition that technical definitions shall be first given to the questions to be submitted.

In that form his offer cannot be accepted, because it would permit a belief here that what are deemed just claims, absolutely entitled to redress, might be defeated by forms obstructive of a fair and full examination. On the other hand, what has been offered on our side is as fair and as liberal as Congress or the nation could be expected to sustain.

Time seems to me to have already become an important element in the question of adjustment. If delays are continued, it may perhaps pass beyond the reach of settlement by a friendly correspondence.

While writing this I am not to be understood as insisting that my views in regard to the situation in Great Britain are altogether correct. I may, indeed, entirely misunderstand the situation there. Nor am I unmindful of the critical nature of the political debates which are now occupying the attention of her Majesty's ministers. It is not the President's desire to do anything which would be or would even seem to be unfriendly to Great Britain. At the same time I think it important that the ministry shall understand the increasing delicacy of the question as it stands in the United States. Your excellent judgment will enable you to determine whether any and what part of what I have said can be made known to Lord Stanley, with a hope of good effect. If such a communication in any form shall be expedient, then the selection of the time and manner in which it shall be made is also left to your discretion. Will you take the matter in hand and act in regard to it as shall seem best, giving me at least the result of your reflections.

* * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

JOINT RESOLUTION concerning the payment of claims made by foreign governments against the United States for property destroyed by the armies of the United States.

Be it resolved, &c., &c., That, in the opinion of this Congress, no claim made by other governments, or by citizens or subjects of other governments, for losses of property sustained by such governments, citizens, or subjects, during the recent rebellion, should be recognized or allowed by the executive departments of this government until the same shall have been submitted to Congress, with all the facts relating thereto.

Passed the House of Representatives of the United States March 27, 1867.

Mr. Adams to Mr. Seward.

No. 1355.] LEGATION OF THE UNITED STATES,
London, April 15, 1867.

SIR: After a careful examination of your dispatch of the 28th of March, (No. 1952,) marked confidential, I made up my mind at once to

attempt to come to some sort of understanding with Lord Stanley as to the precise nature of the difficulties in the way of a speedy arrangement of the questions between the two countries. To that end I had an interview with him on Saturday last.

My first purpose was to learn from him, if possible, the character of the latest report made to him by Sir Frederick Bruce of the objections made to his latest proposition of the 9th of March. This was with the view of fixing in my own mind the exact extent of the obstacles alluded to by you to his lordship's position as last modified, which I, of course, presumed to have remained in your mind after full consideration of that document. His lordship very readily conceded to my wishes, and, having sent for Sir Frederick's latest letters, it turned out that he had exercised a discretion freely given him as to the time and manner of delivery of that dispatch so far as to postpone it a little while. I infer that possibly it has not been sent to you even now, though the delay may not probably last many days longer.

This discovery changed the whole current of my thoughts; for it had seemed to me that his lordship in that letter had actually waived all former demands to restrict the terms of the arbitration, with the single exception of excluding the question of the recognition of belligerency. Hence I had no grounds for pressing him to further action until we should know on this side your views of this latest movement of his. I therefore contented myself with a slight allusion to the reasons suggested by you for urgency, and expressed a hope, now that I had received authority to consult with him more fully than heretofore, to resume the subject after I should have ascertained how far your course might have been modified by seeing his paper.

Inasmuch as you seem to desire an expression of opinion from me, I take the liberty to observe that, in regard to what appears to me the only obstacle to arbitration left, the question of recognizing belligerency, it may admit of doubt whether, even if it could be susceptible of submitting to umpirage, the doing so would be advisable for us. To some extent the concession of a possibility that the exercise of that sovereign right of a state could be drawn into question, might have the effect of tying our own hands in future cases. As it is, the very agitation of that question in America to which you allude as connected with the inchoate Irish insurgent movement, has the effect of undermining the foundation of our claim to complain in the present instance. It must be obvious to you that the adoption of the propositions pressed in Congress must have the necessary effect of weakening our chances of getting any valuable result at all from arbitration; for, if we follow the suit of England when the respective positions come to be reversed, I do not perceive how we do not, *pari passu*, come to justify her conduct.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1965.] DEPARTMENT OF STATE,
Washington, April 16, 1867.

SIR: Sir Frederick W. A. Bruce, her Britannic Majesty's minister plenipotentiary, on the 4th of this month read to me and gave me a

copy of a dispatch which was addressed to him by Lord Stanley on the 9th of March last. The United States are expected by Lord Stanley to receive that paper as a deliberate reply of her Majesty's government to my dispatch to you of the 12th of January, No. 1906, in relation to the claims which arose during the late civil war.

Great Britain proposes a limited reference to arbitration in regard to the so-called Alabama claims, and adjudication, by means of a mixed commission, of general claims.

You will please inform Lord Stanley that, after due consideration, the United States adhere to the views concerning the proper way of adjusting the claims referred to which I have heretofore expressed in this correspondence; consequently we cannot consent to such a special and peculiar limitation of arbitrament in regard to the Alabama claims as Lord Stanley suggests. We cannot give any preference to any other claims over the Alabama claims in the form of adjustment which is ultimately to be adopted.

While we agree that all mutual claims which arose during the civil war between the citizens and subjects of the two countries ought to be amicably adjusted, and adjusted soon, we must, nevertheless, insist that they be adjusted by one and the same form of tribunal, with like or the same forms, and upon principles common to all of them.

The proposal of her Majesty's government is, therefore, respectfully declined by the President of the United States.

Reciprocating the assurances of friendship and good will which his lordship gives us, we shall cheerfully consider any further suggestions on the subject which her Majesty's government may think proper to offer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1971.] DEPARTMENT OF STATE,
Washington, May 2, 1867.

SIR: Your confidential dispatch, No. 1355, has been received. You are right in supposing that Lord Stanley's paper of the 9th of March had not been communicated to me when my confidential dispatch, No. 1952, was written. Indeed, the latter communication would not have been made had the former been then before me.

Your suggestions, which were made upon a full knowledge of that dispatch, have been submitted to the President and have been carefully considered. He sees at present no prospect of coming to an agreement with her Majesty's government upon the so-called Alabama claims, and thus the whole controversy between the two states must remain open indefinitely.

While thus far the balance of inconveniences and losses is suffered by the United States, I feel quite certain that the balance of faults has been on the side of Great Britain. First, the concession of belligerency ought not to have been made. Second, upon our earnest appeals it ought to have been earlier rescinded. Third, the principle of indemnities ought to have been conceded; or, fourth, the remedy of arbitration ought to have been at once proposed. Fifth, when the first decision was reconsidered and arbitration was proposed, it should have been an uncondi-

tional arbitration. As the case now stands, the injuries by which the United States are aggrieved are not chiefly the actual losses sustained in the several depredations, but the first unfriendly or wrongful proceeding of which they are but consequences. If the President were never so much disposed to drop that wrong out of sight in the prosecution of the claims, the recent proceedings of Congress in both houses show that an approval of such a waiver could not be obtained either from Congress or from the nation. It is, however, hardly necessary to say that in this case the President does not disagree from, but, on the contrary, entirely agrees with, Congress and the nation.

I am not aware of anything further that you or I can do now to change the situation in which her Majesty's government have placed the subject, and, as they say, after due deliberation.

It is not given us to foresee what new and untried misfortune may hereafter befall our country; I can say, however, with entire confidence, that I can conceive of no scourge which may be in reserve for the American people that will ever produce a conviction on their part that the proceedings of the British government in recognizing the confederacy were not merely unfriendly and ungenerous, but entirely unjust.

Since the British government seem content to leave this conviction in its full force, we must be content to abide their decision. Probably I shall not be directed by the President to recur again in this correspondence to the subject of the Alabama claims until after the whole subject shall have been reviewed by the national legislature.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

No. 1361.] LEGATION OF THE UNITED STATES,
London, May 2, 1867.

SIR: Your dispatch No. 1965, of the 16th of last month, came to hand last evening, just as I was about to fulfill an engagement to meet a party invited to dinner by Lord Stanley. I seized a favorable moment in the course of the evening to apprise him of the fact that I had your answer to his last note of the 9th of March, and to ask of him an interview in order to communicate the substance of it. He at once fixed the hour of noon this day, at which time I saw him at the Foreign Office, and I have just now returned to the legation to make my report to our conference.

I commenced by observing to his lordship that I was not instructed to deliver a copy of the dispatch received, but for the sake of shortening matters I would read to him all its essential parts. I did so, beginning with the second paragraph and going to the end. His lordship took notes of the essential portions just as they were read.

I then took the occasion to remark to his lordship that although, in literal strictness, you could not avoid to regard the last paragraph of his letter of the 9th as embracing the actual proposal officially made, yet it seemed to me that the limitation thus made to the arbitration could scarcely have been one intended by him, as it was clearly in conflict with the broader and wider statement of the disposition of her Majesty's government contained in the preceding paragraphs, beginning with the words, "The real matter at issue," &c., &c. Indeed, on gen-

eral grounds I could not imagine it likely that if her Majesty's government could make up its mind to assent to arbitration on a case which all must agree was the strongest one presented, it would hesitate, in order to exclude others in which they would feel more confident of their ground.

His lordship at once gave his assent to that view of the case. In the language used in the last paragraph he did not intend to preclude the consideration of other, in his mind less important, claims of the same class.

I then pointed out the other ground of disagreement contained in your fifth paragraph, in the refusal of his lordship's proposal of a mixed commission, to dispose of general claims on both sides, as separate from arbitration. To which he made the remark that these claims consisted on their side, for the most part, of small questions of damage by the destruction of property of private persons in the war, or of individual complaints of different sorts, upon which it could scarcely be expected that a suitable umpire to determine the greater questions would be found willing to adjudicate. The difficulty here was grave rather as a practical matter of business than in any other light. He would take time to consider it in order to make up an answer.

I called his lordship's attention to the fact that no direct notice had been taken of the single exception he had made in his former dispatch. I was not in a position to express an opinion whether this was intended as a waiver of that question, or it was still designed to include it in the general arbitration. It was no more than proper for me to allude to it as making an essential point in the preparation of any answer which his lordship might send.

His lordship said he had observed that and argued favorably from it. He asked me what I thought of printing the correspondence, so far as it had gone. He said there would be inquiries about it in Parliament which he ought to be prepared to answer.

I replied by simply expressing my private opinion of its inexpediency; so far as I might permit myself to judge, the line of difference between the two governments was becoming thinner and thinner. Assuming any tolerable share of good will to prevail, I saw no reason why earnest efforts might not eliminate it altogether. At least some further chance ought to be given to reach this result before coming to publication. His lordship remarked that Parliament might probably yet sit for three months.

I concluded by saying that I should make my report to you in time for the next Saturday's steamer. I presumed his lordship would prefer to send his reply, as he had done before, through Sir Frederick Bruce. He said yes; but it was doubtful whether he could get it ready so soon as Saturday. The pressure of continental affairs was just now so great that the time and attention of the government were much absorbed in them.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 1, 1867, p. 43.]

No. 10.

Lord Stanley to Sir F. Wright Bruce.

FOREIGN OFFICE, *May* 2, 1867.

SIR: Mr. Adams has this day communicated to me the substance of a dispatch which he had received from Mr. Seward in reply to the proposal which you were instructed by my dispatch of the 9th of March to make on the subject of the claims arising out of the civil war in the United States.

In this dispatch Mr. Seward states that the government of the United States adhere to the view which they formerly expressed as to the best way of dealing with these claims. They cannot, consequently, consent to a special and peculiar limitation of arbitrament in regard to the Alabama claims such as her Majesty's government suggest.

They cannot give any preference to the Alabama claims over others in regard to the form of arbitrament suggested; and while they agree that all mutual claims which arose during the civil war between citizens and subjects of the two countries ought to be amicably and speedily adjusted, they must insist that they be adjusted by one and the same form of tribunal, with like and the same forms, and on principles common to all.

The President of the United States, therefore, respectfully declines the proposal of her Majesty's government; but reciprocating the feelings of good will which have been expressed on the part of Great Britain, the United States government will cheerfully receive any further suggestions that her Majesty's government may have to offer.

I am, &c.,

STANLEY.

Mr. Seward to Mr. Adams.

No. 1986.] DEPARTMENT OF STATE,
Washington, May 20, 1867.

SIR: Your dispatch of the 2d of May, No. 1361, has been received. There is no reason why you should not give Lord Stanley a full copy of my dispatch No. 1965.

My confidential dispatch of May 2d, No. 1971, will have removed from your mind any impression that the President may be expected to accede to the limitation upon the arbitration of the Alabama claims which Lord Stanley proposed.

The United States are thus in the attitude of insisting upon those claims as they have consistently done from the beginning, and of declining to accede to arbitration thereupon with limitations hitherto insisted upon by her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Communicated to Mr. Seward by Sir F. Bruce.]

Lord Stanley to Sir F. Bruce.

FOREIGN OFFICE, *May* 24, 1867.

SIR: I abstained in my dispatch No. 99, of the 2d instant, from making any observations on the communication from Mr. Adams, to which that dispatch referred, in the expectation that I might receive from you some further explanation as given to you by Mr. Seward of the views of the American government on the subject.

Not having heard from you, I must conclude that Mr. Seward has not made you acquainted with the nature of his reply, sent through Mr. Adams, to your communication to him of my dispatch No. 54, of the 9th of March. I have nothing, therefore, beyond the brief statement made to me by Mr. Adams to guide me in dealing with Mr. Seward's reply. In that reply Mr. Seward says clearly enough that the government of the United States cannot consent to a special and peculiar limitation of arbitration in regard to the Alabama claims such as her Majesty's government suggests; but from his next observation it might be inferred that the offer, as regards arbitration, made by her Majesty's government in my dispatch of the 9th of March, was understood to have applied only to claims arising out of the proceedings of the Alabama, to the exclusion of those arising out of the like proceedings of the Florida, Shenandoah, and Georgia.

It is important to clear up this point, and you will therefore state to Mr. Seward that the offer to go to arbitration was not restricted to the claims arising out of the proceedings of the Alabama, but applied equally to those arising out of the like proceedings of the other vessels that I have named. In the words of my dispatch of the 9th of March, the matter at issue between the two governments on which Great Britain was ready to go to arbitration was "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted upon its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens."

It is most desirable that there should be no misunderstanding on this point; but inasmuch as Mr. Seward says that the government of the United States cannot give any preference to the Alabama claims over others in regard to the form of arbitrament suggested, you may inform Mr. Seward that there was no intention on the part of her Majesty's government to give any such preference to the Alabama claims over claims in the like category.

That some such misapprehension exists on the part of Mr. Seward may, indeed, be further deduced from his statement that, while the government of the United States agree that all mutual claims which arose during the civil war between citizens and subjects of the two countries ought to be amicably and speedily adjusted, they must insist that they be adjusted by one and the same tribunal, with like and the same forms, and on principles common to all.

Now, the question of disposing of general claims in contradistinction to the specific claims arising out of the proceedings of the Alabama, and vessels of that class, has not hitherto been matter of controversy between the two governments, but has been mooted in its present shape by her Majesty's government alone; and there is no such similarity between

the two classes of claims as would admit of their being dealt with by the same process.

It may be, however, and her Majesty's government would gladly learn that it was the case, that the government of the United States agree to waive the question of the alleged premature recognition of belligerent rights, and are satisfied to go to arbitration on the first or Alabama class of claims, provided that all claims whatever, on either side, arising out of the events of the war, are equally submitted to arbitration, so "that they may be adjusted by one and the same form of tribunal, with like and the same forms, and on principles common to all."

This, however, from the nature of things, is impracticable. The one class or the specific claims, such as those arising out of the proceedings of the Alabama and such vessels, depends for their settlement on the solution of what may be called an abstract question, namely, "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and those who acted under its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens;" the other, or general class of claims, admits of no such narrow restriction. The number of claims in this class on either side may be great, the circumstances of each more or less different, and the points involved in them complicated in their nature and bearing; and on these grounds alone it is obvious that they cannot, like those of the Alabama class, be comprised within a single proposition applicable in principle to all and bringing all within the compass of a single division of an arbiter.

The reply which Mr. Seward will return to your communication of this dispatch will, it may be hoped, clear up the obscurity which rests upon the answer received through Mr. Adams to my dispatch of the 9th of March.

Her Majesty's government, you will say, abide by their proposals as set forth in that dispatch. Within the limits set forth in that dispatch they are prepared to go to arbitration in regard to the Alabama and such like claims on the condition that, simultaneously with the reference of those claims to arbitration, an agreement is entered into between the two governments for the adjudication of general claims by a mixed commission.

I am, &c.,

STANLEY.

Hon. Sir Frederick W. A. Bruce, G. C. B., &c., &c., &c.

P. S.—You will read this dispatch to Mr. Seward, and furnish him with a copy of it.

Mr. Seward to Sir F. Bruce.

Auburn, *July* 27, 1867.

My Dear Sir: In view of my recent preoccupations, you were kind enough to defer until now the presenting to me of Lord Stanley's letter of the 24th of May, on the subject of the Alabama claims. You are authorized to inform him that immediately after my return to Washington I will take the President's directions, and I feel sure that I shall be

able to reply to his lordship's suggestions in the friendly spirit in which they are conceived.

I am, my dear sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Hon. FREDERICK WRIGHT BRUCE, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 2037.] DEPARTMENT OF STATE,
Washington, August 12, 1867.

SIR: I have now to recur to Lord Stanley's dispatch to Sir Frederick Wright Bruce of the 24th of May, concerning the so-called Alabama claims, a copy of which paper he placed in my hands during our recent visit at Auburn.

You are authorized to inform his lordship that I did not understand his previous offer of arbitration to apply alone to the claims arising out of the depredations of the Alabama to the exclusion of those arising out of the depredations of the Florida, the Shenandoah, the Georgia, and other vessels of that description; and that, on the contrary, Lord Stanley's offer of limited arbitration was understood to apply equally to those claims arising out of the depredations of the several vessels last named as to those arising out of the depredations of the Alabama.

His lordship now observes that the British government is ready to go to arbitration upon the question whether, in the matters connected with all these vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government and those who acted upon its authority was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens.

The President considers these terms to be at once comprehensive and sufficiently precise to include all the claims of American citizens for depredations upon their commerce during the late rebellion which have been the subject of complaint upon the part of this government. But the United States government, in this view, would deem itself at liberty to insist before the arbiter that the actual proceedings and relations of the British government, its officers, agents, and subjects, toward the United States in regard to the rebellion and the rebels as they occurred during that rebellion, are among the matters which are connected with the vessels whose depredations are complained of, just as, in the case of general claims alluded to by Lord Stanley, the actual proceedings and relations of her Majesty's government, its officers, agents, and subjects, in regard to the United States, and in regard to the rebellion and the rebels, are necessarily connected with the transactions out of which those general claims arose.

Lord Stanley's plan seems to be to constitute two descriptions of tribunals—one an arbiter to determine the question of the moral responsibility of the British government in respect of the Alabama, Florida, Georgia, and other vessels of that class; and the other a mixed commission, to adjudicate the so-called general claims of both sides; and a contingent reference to the same or other mixed commission, to ascertain and determine the amount of damages, for indemnity, to be awarded in the cases examined by the first tribunal in the event of a decision upon the question of moral responsibility in favor of the United States.

No distinction as to principle between the tribunals seems to the United States to be necessary, and in every case the United States agree only to unrestricted arbitration. Convenience may require that the claims should be distributed between two tribunals, both of which, however, in the opinion of the United States, should proceed upon the same principles and be clothed with the same powers.

The President will be gratified if this explanation shall conduce to remove any of the difficulties which have heretofore prevented the two governments from coming to the amicable and friendly understanding and arrangement which is so sincerely desired by both.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[From British Blue Book, "North America," No. 2, 1867, p. 1.]

No. 1.

Lord Stanley to Sir F. Wright Bruce.

FOREIGN OFFICE, *September* 10, 1867.

SIR: The minister of the United States called upon me to-day and communicated to me a dispatch, of which, however, he was not authorized to give me a copy, from Mr. Seward, dated the 12th of August, in reply to my dispatch to you of the 24th of May, respecting the mutual claims of the two countries on each other arising out of the late civil war.

By this dispatch Mr. Adams is authorized to assure me that Mr. Seward did not understand my previous offer of arbitration to apply only to claims arising out of the depredations of the Alabama, to the exclusion of those arising out of the depredations of vessels of the like character; but, on the contrary, understood the offer to apply equally to all such claims.

The President, Mr. Seward says, considers the terms of the offer of the British government to go to arbitration upon the question whether, in the matters connected with all those vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government and those who acted upon its authority was such as would involve a moral responsibility to make good, either in whole or in part, the losses of American citizens, to be at once comprehensive and sufficiently precise to include all the claims of American citizens for depredations on their commerce during the late rebellion which have been the subject of complaint on the part of the government of the United States.

But Mr. Seward goes on to say that the government of the United States would deem itself at liberty to insist before the arbiter that the actual proceedings and relations of the British government, its officers, agents, and subjects, toward the United States in regard to the rebellion and the rebels as they occurred during that rebellion, are among the matters which are connected with the vessels whose depredations are complained of; just as in the case of general claims, alluded to in my dispatch, the actual proceedings and relations of her Majesty's government, its officers, agents, and subjects, in regard to the United States,

in regard to the rebellion and the rebels, are necessarily connected with the transactions out of which those general claims arose.

Mr. Seward further observes that my plan seems to be to constitute two descriptions of tribunals: one an arbiter, to determine the question of the moral responsibility of the British government in regard to the vessels of the Alabama class; and the other a mixed commission, to adjudicate the so-called general claims of both sides; and a contingent reference to the same or other mixed commissions, to ascertain and determine the amount of damages for indemnity to be awarded in the cases examined by the first tribunal in the event of a decision of moral responsibility in favor of the United States. But Mr. Seward says that the government of the United States do not consider any distinction as to principle between the two tribunals to be neeessary, and that in every case they agree only to unrestricted arbitration. It may be convenient, indeed, that the claims should be distributed between the two tribunals, both of which, however, the government of the United States consider should proceed upon the same principle and be clothed with the same powers.

Mr. Seward concludes his dispatch by saying that the President will be gratified if the explanations contained in it should conduce to the removal of the difficulties which have heretofore prevented the two governments from coming to an amicable and friendly understanding and arrangement.

I reserve for a future occasion any observations that I may have to offer on Mr. Seward's dispatch.

I am, &c.,

STANLEY.

Mr. Adams to Mr. Seward.

No. 1447.] LEGATION OF THE UNITED STATES,
London, September 13, 1867.

SIR: In connection with my dispatches Nos. 1430 and 1439, I have the honor now to report that Lord Stanley, the day after returning to the city, granted me an interview, which took place on Tuesday last, the 10th instant.

I read to him your dispatch No. 2037, and consented to his taking a copy of it. He said that his first impression was that the terms furnished a practicable mode of arriving at some agreement. But it would be necessary for him to consider maturely the language of the fourth and sixth paragraphs, as well as to consult more or less with his colleagues, before he could give a definite answer.

It was clear to him that there must be some limit applied to the field of arbitration, or it would be impossible to find an umpire. But with any proper share of confidence in the selection it might be perhaps possible to trust the performance of that task to his own judgment.

I remarked that this suggestion certainly seemed to present a practicable way out of the main difficulty.

He then made some general and informal reference to the range of selection of such a power. It seemed desirable to choose from the chief powers of the world. Of these he had thought of four. With regard to one of them, he presumed that late circumstances would not render it agreeable to the United States to think of him. On the other hand, there might be an impression—whether well or ill-founded, he did not say—among his own countrymen, that another would not be in a per-

fectly impartial frame of mind. Hence there remained the two German powers, either of whom appeared to occupy a sufficiently favorable position.

I replied that I believed our relations with both of them were on so friendly a footing that I saw no obstacle at this moment to our consent to the selection of either.

His lordship ended by saying that he really was now in hopes that the matter might be arranged. He should endeavor not to take a great while in preparing a reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 2060.] DEPARTMENT OF STATE,
Washington, September 25, 1867.

SIR: Your dispatch of the 13th of September, No. 1447, has been received, and the proceeding on your part therein mentioned is approved.

It is somewhat remarkable, as a coincidence, that the impression communicated to you by Lord Stanley is, in sentiment and to the letter, the same which I announced to Sir Frederick Bruce at Auburn, upon reading the letter from Lord Stanley the reply to which was contained in my 2037.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 1474.] LEGATION OF THE UNITED STATES,
London, November 2, 1867.

SIR: At an interview which I had with Lord Stanley at the Foreign Office, on Tuesday last, * * * * * * I then again, in connection with the loss of Sir F. Bruce, threw out a suggestion as to its probable effect upon the question yet pending between the two countries. His lordship took it up by saying that there really was little difficulty in coming to a settlement so far as the merits of the question itself were concerned. He was well convinced that the country would be perfectly ready to acquiesce in any decision that might be made, even though it were adverse. But he intimated that the point of pride about leaving the right of recognition in any doubt was so great that it could not be so treated. He said this was the universal sentiment; as a proof of which he intimated that he had sounded even our best friend, Mr. Bright, and found that he felt like everybody else about it. I infer from what he said that the answer will be an acceptance of your proposal to adopt his language, but guarded by a caveat on that point.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 2093.] DEPARTMENT OF STATE,
Washington, November 16, 1867.

SIR: Recurring to your dispatch of November 2, No. 1474, I remark that we are not uninformed that even Mr. Bright and his political associates look unfavorably upon our claim to hold the British government responsible in the case of the Alabama for its unnecessary and ungenerous recognition of the insurgents as belligerents. This, although a source of regret, is not one of surprise or special complaint. With all their virtue, Mr. Bright and his associates are not citizens of the United States, but British subjects. In regard to the position held by this government, I can only say that the sentiment of the American people is as unanimous as Lord Stanley finds that the opposing sentiment is unanimous in Great Britain. It may be well, therefore, to let it be understood that we are not at all likely to yield the attitude we have hitherto maintained.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

[Communicated through the British Legation.]

Lord Stanley to Mr. Ford.

FOREIGN OFFICE, *November* 16, 1867.

SIR: In my dispatch to Sir Frederick Bruce, No. 191, of the 10th of September, I confined myself to a mere statement of the substance of a dispatch from Mr. Seward, which Mr. Adams had communicated to me in reply to my dispatch No. 117, of the 24th of May, respecting the claims arising on either side out of the events of the late civil war in the United States.

Her Majesty's government having, since the date of my dispatch, fully considered the terms of Mr. Seward's dispatch, I will no longer delay in acquainting you, for communication to that minister, with the impression which it has made upon them.

Her Majesty's government observe that the President of the United States considers the terms used in my dispatch, with reference to the so-called "Alabama" claims, to be at once comprehensive and sufficiently precise to include all the claims of American citizens for depredations upon their commerce during the late rebellion, which have been the subject of complaint upon the part of the government of the United States, those terms being, to quote the precise words of my dispatch of the 24th of May, applicable to this class of claims, and which, in substance, repeats those used by me in my dispatch of the 9th of March, that the question on which Great Britain was ready to go to arbitration was "whether, in the matters connected with the vessels out of whose depredations the claims of American citizens have arisen, the course pursued by the British government, and by those who acted upon its authority, was such as would involve a moral responsibility on the part of the British government to make good, either in whole or in part, the losses of American citizens."

In the same, and in previous dispatches, it will be found that, whilst

agreeing to this limited reference as regards the so-called "Alabama" claims, I have repeatedly stated that her Majesty's government could not consent to refer to a foreign power to determine whether the policy of her Majesty's government, in recognizing the Confederate States as belligerents, was or was not suitable to the circumstances of the time when the recognition took place. After referring, however, to the terms of my dispatch of the 24th of May, Mr. Seward goes on to say that, in the view taken by the United States government, that government would deem itself at liberty to insist before the arbiter that the actual proceedings and relations of the British government, its officers, agents, and subjects, toward the United States in regard to the rebellion and the rebels as they occurred during that rebellion, are among the matters which are connected with the vessels whose depredations are complained of, just as in the case of the general claims alluded to by me the actual proceedings and relations of her Majesty's government, its officers, agents, and subjects, in regard to the United States, in regard to the rebellion and the rebels, are necessarily connected with the transactions out of which those general claims arise.

The language thus used by Mr. Seward appears to her Majesty's government to be open to the construction that it is the desire of the United States government that any tribunal to be agreed upon in dealing either with the so-called "Alabama" claims, or with the "general claims," might enter into the question whether the act or policy of her Majesty's government in recognizing the Confederate States as a belligerent power was or was not suitable to the circumstances of the time when the recognition was made, a construction which, after the distinct and repeated avowal of her Majesty's government that they could not consent to a reference of such a question, her Majesty's government can hardly suppose that it was intended by Mr. Seward that the passage in his dispatch should bear.

But to prevent any misapprehension on this subject, her Majesty's government think it necessary distinctly to say, both as regards the so-called "Alabama" claims brought forward by citizens of the United States, and as regards the general claims, that they cannot depart, either directly or indirectly, from their refusal to "refer to a foreign power to determine whether the policy of recognizing the Confederate States as a belligerent power was or was not suitable to the circumstances of the time when the recognition was made."

As regards the so-called Alabama claims, the only point which her Majesty's government can consent to refer to the decision of an arbiter is the question of the moral responsibility of her Majesty's government, on the assumption that an actual state of war existed between the government of the United States and the Confederate States; and on that assumption it would be for the arbiter to determine whether there had been any such failure on the part of the British government, as a neutral, in the observance, legally or morally, of any duties or relations toward the government of the United States, as could be deemed to involve a moral responsibility on the part of the British government to make good the losses of American citizens caused by the Alabama and other vessels of the same class.

As regards the general claims, the question of moral responsibility on the part of her Majesty's government does not and cannot come into dispute at all.

Mr. Seward rightly supposes that her Majesty's government contemplate two tribunals for the adjudication—one of the Alabama claims, the other of the general claims; the one being in the first instance, at

all events, the tribunal of an arbiter who would be called upon to pronounce on the principle of the moral responsibility of the British government, and on the nature of whose decision would depend the question of the appointment of a mixed commision for the examination, in detail, of the several claims of citizens of the United States to which that decision applied, namely: those arising out of the depredations of the Alabama and other similar vessels, and the adjudications of the sums payable in each case; the other, in its commencement and to its close a purely mixed commission for the examination of the general claims of the subjects and citizens of both countries, arising out of the war, and the adjudication of the sums payable by either country in each case.

The distinction between the two classes of claims is clear; the one may never come before a mixed commission, and, therefore, may not require the assistance of an arbiter to decide differences of detail arising between the commissioners; the other, though originally brought before a mixed commission, may possibly require the intervention of an arbiter, in case of a difference of opinion among the members of the commission which could not be otherwise reconciled, and for which case provision would be made in the ordinary way in the convention for the settlement of the mixed claims, by the insertion of articles in regard to the selection of an arbiter.

The functions of such an arbiter, as well as of an arbiter for a like purpose in the other mixed commission, for which provision would have to be made to meet the contingency of the so-called Alabama claims coming eventually under the cognizance of a mixed commission, would have nothing in common with the functions of the arbiter to whom the question of principle involved in the last-mentioned class of claims would be referred.

Her Majesty's government cannot but apprehend that if Mr. Seward really requires unrestricted arbitration as applicable to both classes of claims, and that the tribunal in both classes of cases should proceed upon the same principles and be clothed with the same powers, he has not fully considered the wide and inevitable distinction which exists between the classes; and in directing you to submit to the consideration of Mr. Seward the explanations and observations contained in this dispatch, I have to instruct you to express the earnest hope of her Majesty's government that the government of the United States will, on further reflection, accept, without hesitation, the proposal made in my dispatch to Sir Frederick Bruce, No. 54, of the 9th of March, and No. 117, of the 24th of May, both of this year, namely: "limited reference to arbitration in regard to the so-called Alabama claims, and adjudication, by means of a mixed commission, of general claims."

You will furnish Mr. Seward with a copy of this dispatch.

I am, &c.,

STANLEY.

FRANCIS CLARE FORD, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 2102.] DEPARTMENT OF STATE,
Washington, November 29, 1867.

SIR: Mr. Ford has given me a copy of a letter which Lord Stanley wrote to him on the 16th of November, instant, concerning the question of arbitration upon the so-called Alabama claims. I have submitted

Lord Stanley's remarks to the President and have received his directions thereupon.

The government of the United States adheres to the views concerning the proposed arbitration which I have heretofore had occasion to make known through your legation to Lord Stanley. We are now distinctly informed by Lord Stanley's letter that the limited reference of the so-called Alabama claims, which Lord Stanley proposes, is tendered upon the condition that the United States shall waive before the arbitrator the position they have constantly maintained from the beginning, namely: that the Queen's proclamation of 1861 which accorded belligerent rights to insurgents against the authority of the United States, was not justified on any grounds, either of necessity or moral right, and therefore was an act of wrongful intervention, a departure from the obligation of existing treaties, and without the sanction of the law of nations. The condition being inadmissible, the proposed limited reference is therefore declined.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 2103.] DEPARTMENT OF STATE,
Washington, December 2, 1867.

SIR: You will be expected to give to Lord Stanley a copy of my No. 2102.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1488.] LEGATION OF THE UNITED STATES,
London, December 4, 1867.

SIR: I have the honor to transmit a document, published for the use of Parliament, containing the latest portion of the correspondence relative to the questions in dispute between the two countries.

From the tone of the reply of Lord Stanley, in connection with your dispatch, just received, No. 2093, of the 16th of November, it seems plain that nothing more can be expected from this negotiation. I shall, therefore, in accordance with your desire, give it out hereafter as so understood.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 1503.] LEGATION OF THE UNITED STATES,
London, December 24, 1867.

SIR: In accordance with the directions contained in your dispatches Nos. 2102 and 2103, of the 29th of November and 2d of December, I

obtained to-day an interview with Lord Stanley, for the purpose of reading to him the contents of the first. After having done so I left a copy, as directed in No. 2103.

His lordship, on receiving it, asked me whether I was in possession of any later views of my government on the subject of this dispatch. I promptly responded in the negative. I considered the negotiation as now closed, without a prospect of reopening it, and had so written home.

His lordship then said that he had just received a letter from Mr. Ford, at Washington, which he would be glad to have me read and give him my impression of its meaning. He then handed it to me, and I looked over it carefully. It was dated the 8th instant, and reported a conversation the writer had just had with you. The substance of it was, according to him, that you said you could not recede from the position of holding the British government responsible for the consequences of the proclamation of neutrality; hence that all prospect of success from the proposal of arbitration, made with an exception of that point, must be regarded as over. Neither could you make any new offer to negotiate, for the United States felt itself like a party injured by a severe blow, who could not properly initiate a proposal for reparation from the party that had inflicted it. In order to get rid of the awkwardness of such a position, you suggested the possibility of his lordship's proposing to merge this particular question in the mass of matters now remaining open between the countries, and lumping them all together in one treatment or negotiation. You closed by hinting that an avenue would remain open to his lordship through the answer which he might make to the last note which you had written—in other words, to the dispatch No. 2102, which I had just communicated.

After reading it, I observed that this view of the subject was, in some measure, new to me, and that I could not undertake, with my partial comprehension of it, to give him many explanations having authority. If it was the intention to proceed by the customary way of negotiation between the countries, in my opinion the brief remnant of the term of the administration would expire before much progress had been made. This was said in view of the fact that there must, after all, be some precision arrived at in defining the controverted points. The British claims would require examination, and perhaps evidence to substantiate them, before they could be conceded. The same thing would happen with ours, which were larger and more complicated with disputed questions.

His lordship said that he did not quite understand it. He had regarded the main question as involving a claim put forth for damages, which it seemed to him the part of the person considering himself aggrieved to advance; but he was not strenuous on that point. A more serious difficulty would perhaps lie in the fact that the private claimants under what were, after all, the gravest questions, might not be well content to see them liable to be mixed up and bargained away against other points in which they were not interested.

I said that there was the more ground for such an objection in the fact that precisely such an event had happened in a former treaty of ours with France. The effect of it had been, in that case, that the country had received a benefit for the surrender of large claims for unlawful captures of private property at sea, but that from that day to this not a farthing of compensation had ever been made good by it to the owners of the claims thus abandoned.

His lordship concluded by saying that he had but just received this letter, and he should endeavor to give it the most careful reflection; but

at present he could not perceive any course open to him. The papers would probably be all laid before the House of Commons at the adjourned session, when he would be called upon to make his explanations. He should endeavor to be prepared for the occasion.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 2118.] DEPARTMENT OF STATE,
Washington, January 13, 1868.

SIR: Your dispatch of the 24th of December, No. 1503, has been received. You were quite right in saying to Lord Stanley that the negotiation in regard to the so-called Alabama claims is now considered by this government to have been closed without a prospect of its being reopened. With reference to the conversation which occurred between yourself and his lordship on the subject of a recent dispatch of Mr. Ford, in which Mr. Ford gave an account of a conversation which he had with me, it would perhaps be sufficient to say that Mr. Ford submitted no report of that conversation, nor did he inform me what he proposed to write to Lord Stanley. I may add that either Mr. Ford or Lord Stanley, or both, have misapprehended the full scope of what is reported by Mr. Ford as a suggestion on my part.

Both of these gentlemen seem to have understood me as referring only to mutual pecuniary war claims of citizens and subjects of the two countries which have lately been extensively discussed. Lord Stanley seems to have resolved that the so-called Alabama claims shall be treated so exclusively as a pecuniary commercial claim as to insist on altogether excluding the proceedings of her Majesty's government in regard to the war from consideration in the arbitration which he proposed.

On the other hand, I have been singularly unfortunate in my correspondence if I have not given it to be clearly understood that a violation of neutrality by the Queen's proclamation and kindred proceedings of the British government is regarded as a national wrong and injury to the United States; and that the lowest form of satisfaction for that national injury that the United States could accept would be found in an indemnity without reservation or compromise by the British government to those citizens of the United States who had suffered individual injury and damages by the vessels of war unlawfully built, equipped, manned, fitted out, or entertained and protected in the British ports and harbors in consequence of a failure of the British government to preserve its neutrality.

Besides this question there exist also other open questions. There is a divided occupation of the island of San Juan, in the Pacific, which ought to be settled soon; there is the assumption of Great Britain to hold naturalized citizens of the United States, if they were born in Great Britain, amenable for offenses under laws and before tribunals which are not and cannot be applied to native-born citizens of the United States.

A grave question arose during the recent rebellion upon the treaty arrangements between the two countries for extradition of criminals.

There is a deferred question between the two countries in regard to the fisheries in the north Atlantic waters.

Any one of these questions may at any moment become a subject of exciting controversy. The naturalization question is already working in that way.

It was in view of all these existing sources of controversy that the thought occurred to me that her Majesty's government, if desirous to lay a broad foundation for friendly and satisfactory relations, might possibly think it expedient to suggest a conference, in which all the matters referred to might be considered together, and so a comprehensive settlement might be attempted without exciting the sensibilities which are understood to have caused that government to insist upon a limited arbitration in the case of the Alabama claims.

These explanations may be given informally, if you think proper, to Lord Stanley, but with the distinct understanding that the United States are not to be assumed as proposing to open a new negotiation in regard to the questions referred to, or any of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[From British Blue Book, "North America," No. 1, 1869, p. 1.]

No. 1.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *February* 15, 1868.

SIR: Mr. Adams communicated to me on the 15th instant some parts of a dispatch which he had lately received, in which Mr. Seward expresses his wish that some means may be found of arranging the differences now existing between England and the United States. The questions causing these differences Mr. Seward enumerates as follows:

1st. The Alabama claims.

2d. The San Juan question.

3d. The question of naturalized citizens; their rights and position.

4th. The fishery question.

I noticed that among these the question of the reciprocity treaty with Canada was not included.

Any one of these questions, Mr. Seward said, might at any time, from accidental causes, occupy public attention and give rise to exciting controversy.

Mr. Seward desired not to be understood as making any new proposition; but he repeated the suggestion which he had more than once offered, that the true method of dealing with all these matters was by treating them jointly, and endeavoring, by means of a conference, to settle them all.

I told Mr. Adams, in reply, that no one could be more anxious than I was to see these troublesome disputes at an end; and that, acting under that feeling, I should be prepared to acquiesce in any plan of settlement that held out a reasonable probability of success; at the same time, I must add that I could not well understand what was to be the nature of the conference suggested by Mr. Seward. How was it to be constituted? with what powers? where to be held? and what advantage did Mr.

Seward suppose there would be in discussing simultaneously, instead of separately, a variety of matters, each of which was sufficiently intricate and perplexing when taken by itself? I expressed a hope that Mr. Seward might be induced further to develop his idea, which I assured him should meet with full and careful consideration.

I am, &c.,

STANLEY.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1539.] LEGATION OF THE UNITED STATES,
London, February 18, 1868.

SIR: On Saturday last, the 15th instant, I had a favorable opportunity of meeting Lord Stanley and of communicating to him the substance of your dispatch No. 2118, of the 13th of January. The chief portions of it I gave to him in your own words, especially the closing paragraph, precluding any inference that the suggestion that preceded was to be considered a proposal to reopen a negotiation.

His lordship said that his desire, as I must know, had always been so strong to arrive at some terms of agreement with us, that if he could see a way to it he should not stand upon ceremony in the order of initiating it.

* * * * * * * * *

His lordship expressed his doubts whether it would be found more easy to come to an understanding by accumulating all the different topics recited in your dispatch in one heap than by treating each separately. The term "conference," too, was so general that he could not yet quite fix a practical measure to it. He should be very glad to learn more fully what idea it was intended to convey. I said that I would, if he pleased, communicate this wish to you, it being understood that thereby no implication could be raised adverse to the observance of the precautionary final paragraph in your dispatch.

His lordship assented to this reserve. So it was understood between us that, saving all notion of the presentation of any overture thereby, I was to ask if you would be willing to convey to his mind more fully an idea of what was intended under the term "conference."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

[Extract.]

No. 2141.] DEPARTMENT OF STATE,
Washington, March 7, 1868.

SIR: I have just now received your dispatch of the 18th of February, No. 1539. I entirely approve of your proceeding in submitting the substance of my No. 2118 to Lord Stanley. I have also taken the President's directions concerning the suggestions which his lordship has made

to you with a view to the adjustment of existing differences between the United States and Great Britain.

* * * * * * * *

With the good hope of adjusting the naturalization question promptly and in the manner indicated, I reserve, for the present, the consideration of Lord Stanley's suggestions relating to a mode of proceeding to arrange the Alabama and other questions, because the views I shall have occasion to submit on those subjects will be greatly influenced by the result of the anticipated proceedings in regard to naturalization.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c.*

Mr. Adams to Mr. Seward.

No. 1549.] LEGATION OF THE UNITED STATES,
London, March 7, 1868.

SIR: I have the honor to transmit a copy of the Times of this morning, containing a report of the debate in the House of Commons last night on the motion of Mr. Shaw Lefevre relative to the questions between the two governments springing from the late struggle. I add a copy of the Standard, because I learn from Mr. Forster, one of the parties to the discussion, that at least his speech is reported in essential particulars more correctly there.

Although not present myself on this occasion, I learn from several quarters that the temper manifested in it was throughout fair, and even friendly. I am inclined to believe that on the single question of the claims for damage done by the Alabama, and perhaps one or two other vessels, Parliament is almost prepared to pay whatever might be adjudged by a commission raised for the purpose, without much demur.

You will doubtless take note of the allusion made in Lord Stanley's remarks, toward the close, to that part of your latest communication to me on the subject which I made known to him. My opinion is that the failure of the negotiation is matter of general regret. Whilst there is a strong disposition to protect the action of Lord Stanley in his construction of the terms of your dispatch of the 12th January, 1867, there is nevertheless a feeling that if he had put a construction like that of Mr. Forster's they would have been quite as ready to justify it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[For report of debate referred to see Parliamentary and Judicial Appendix, No. 30.]

Mr. Seward to Mr. Adams.

No. 2144.] DEPARTMENT OF STATE,
Washington, March 23, 1868.

SIR: Your dispatch of the 7th of March, No. 1549, has been received, together with a copy of the debate which took place in the House of

Commons on the motion of Mr. Shaw Lefevre relative to the questions between the United States and Great Britain which arose out of our recent civil war. It is pleasant to recognize the meliorated tone of parliamentary and public opinion in Great Britain on these grave subjects. We are ourselves not unmindful of the interests involved.

I have informally suggested to Mr. Thornton a course which I think would enable us to obtain an adjustment of those questions equally satisfactory and honorable to both countries. He is in telegraphic communication with her Majesty's government in the line of my suggestions. This dispatch will reach you too late to enable you to render us desired assistance. I will simply state, therefore, for your own information, the nature of the suggestions which, with the consent of the President, I have made to Mr. Thornton:

First. That we settle the naturalization question by a treaty substantially similar to the North German treaty.

Secondly. That we provide for adjusting the San Juan question by a liberal reference of it to the republic of Switzerland.

Third. The solemnization of the naturalization treaty to be followed by a sparing and prudent exercise of executive clemency in two or three cases in the spirit of the new treaty.

When all these things shall have been done, the existing irritation will be so far relieved that I think it beyond doubt that we can provide for adjusting the Alabama and other claims in a manner practically unexceptionable in either country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Johnson.

[Extracts.]

No. 2.] DEPARTMENT OF STATE,
Washington, July 20, 1868.

SIR: It is a truism that commercial and industrial interests continually exert a powerful influence in favor of peace and friendship between the government and people of the United States and Great Britain. Intimate consanguinity, together with a nearly entire community of language and a very considerable community of political and religious principles and ideas and sentiments, work in the same direction. On all occasions, when the moral sentiment of mankind is moved in favor of national regeneration or other political reform in any part of the world, a very cordial sympathy and regard to such advances in civilization is found to exist between the two countries. This mutual, friendly disposition between the two nations manifests itself more strongly now than at any former period. Nevertheless, there are some controversies which have heretofore unavoidably arisen out of difference of administration in the two governments, controversies which are of lasting importance, and which have become chronic in their character. An urgent necessity exists for the settlement of one or more of them. A reference to the records of the legation in London will disclose them, and explain the circumstances which have hitherto prevented their adjustment, notwithstanding the great zeal and efficiency with which your distinguished

predecessor, Mr. Adams, has carried out the instructions of this department.

* * * * * * *

You will address yourself to this [the Naturalization question] as the most important question requiring attention on your arrival in London. You will frankly state to Lord Stanley that, until this difficulty shall be removed, it is believed by the President that any attempt to settle any of the existing controversies between the two countries would be unavailing, and therefore inexpedient.

* * * * * * *

Thirdly, if you shall find reason to expect that the British government will be prepared to adjust the two questions [Naturalization and San Juan boundary questions] already mentioned in some such manner as has been proposed, and satisfactory to both parties, you will then be expected to advert to the subject of mutual claims of citizens and subjects of the two countries against the governments of each other respectively.

The difficulty in this respect has arisen out of our claims which are known and described in general terms as the Alabama claims. In the first place, her Majesty's government not only denied all national obligation to indemnify citizens of the United States for these claims, but even refused to entertain them for discussion. Subsequently her Majesty's government, upon reconsideration, proposed to entertain them for the purpose of referring them to arbitration, but insisted upon making them the subject of special reference, excluding from the arbitrator's consideration certain grounds which the United States deem material to a just and fair determination of the merits of the claims. The United States declined this special exception and exclusion, and thus the proposed arbitration has failed.

It seems to the President that an adjustment might now be reached without formally renewing former discussions. A joint commission might be agreed upon for the adjustment of all claims of citizens of the United States against the British government, and of all claims of subjects of Great Britain against the United States, upon the model of the joint commission of February 8, 1853, which commission was conducted with so much fairness and settled so satisfactorily all the controversies which had arisen between the United States and Great Britain from the peace of Ghent, 1814, until the date of the sitting of the convention.

While you are not authorized to commit this government distinctly by such a proposition, you may sound Lord Stanley upon the subject after you shall have obtained satisfactory assurances that the two more urgent controversies previously mentioned can be put under process of adjustment in the manner which I have indicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Johnson to Mr. Seward.

[Extracts.]

No. 14.] LEGATION OF THE UNITED STATES,
London, September 12, 1868.

SIR: Lord Stanley returned from the continent on Sunday last, and on the 8th instant addressed to me a letter announcing the fact, and say-

ing "that he would have much pleasure in receiving me whenever I might desire to have any personal communication with him on the affairs of my government."

In consequence of this, I had an interview with him at the Foreign Office on Thursday, the 10th instant. The interview lasted from half to three-quarters of an hour, and was entirely satisfactory to me, as, on leaving him, he assured me it was to him.

I of course entered into no particulars in relation to the subjects in dispute, but spoke of them in general and frank terms, to which he replied in like manner. I informed him that before entering into negotiation in relation to other subjects of difference between the two governments I was instructed to arrange the naturalization question.

* * * * * * * * *

In relation to the other two matters mentioned in my instructions, I am convinced there will be no serious difficulty, although I did not propose an arbitration in relation to the San Juan affair, or a commission in relation to the Alabama claims.

I am convinced, from what he said on both points, that these modes of settlement can be obtained. I submit to you, however, the policy of authorizing me to arrange the two last before the first is settled, provided the delay in that settlement shall be as great as it will be if it is made to depend upon the action of Parliament, and provided I shall be convinced that a satisfactory arrangement will be made.

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I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

[Extract.]

No. 20.] DEPARTMENT OF STATE,
Washington, September 23, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 12th of September, No. 14.

The President has taken into serious consideration your suggestion that your instructions should be modified so that in a certain contingency you might be authorized to arrange the San Juan question and the Alabama claims before any adjustment of the naturalization question should have been made.

Our conclusion is, that in the event that you become convinced that an arrangement of the naturalization question which would be satisfactory to the United States, in view of your previous instructions, can be made, then and in that case you may open concurrent negotiations upon the two questions first herein named, to wit, San Juan and the claims questions; but that those two negotiations shall not be completed, or your proceedings therein deemed obligatory, until after the naturalization question shall have been satisfactorily settled by treaty or by law of Parliament.

The reason for this decision is, that notwithstanding the President might repose implicit confidence in assurances which you may receive of an ultimate and satisfactory solution of the naturalization question,

yet that this government must, nevertheless, conduct its proceedings in all negotiations with proper deference and respect to the state of opinion which prevails in the Senate, in Congress, and among the people of the United States.

Irritation and jealousy, produced by the unsatisfactory condition of the naturalization laws, were almost daily manifested in the debates, and they marked the proceedings of both houses throughout the whole of the last session of Congress. If this temper of the national mind shall continue, as it probably will, a departure now from the instructions I have heretofore given, so far as to change the order of negotiation, would excite apprehensions that our efforts for the settlement of the naturalization question would prove unavailing, and thus the existing popular anxiety would be increased to a height that might induce Congress to disapprove, and the Senate to reject, even the very arrangements which otherwise might have proved satisfactory in regard to the San Juan and claims questions.

* * * * * * * * *

I think it hardly necessary to repeat the reasons I have heretofore given why it is desirable that the new administration of this government, which is to come in here on the 4th of March, and the reconstructed administration of Great Britain, which is supposed to be near at hand, shall find themselves relieved of all the international questions which, although they are not intrinsically difficult, have nevertheless so long and so painfully embarrassed both nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, October 20, 1868.

Can I sign convention for claims on basis of treaty of February, '53?

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, October 20, 1868.

Can I consent to leave all questions as to Alabama claims to arbitration of King of Prussia?

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 1, 1869, p. 10.

No. 14.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *October* 21, 1868.

SIR: The United States minister called on the 20th instant to discuss with me the question of the Alabama claims, and much conversation passed between us on the subject, in the course of which Mr. Reverdy Johnson again put forward the proposal adverted to in Mr. Seward's former dispatches, viz., that all the claims on both sides should be referred to the decision of commissioners, who should be, in equal numbers, British subjects and American citizens, who, if they disagreed, should have power to call in an umpire, and whose decision, with such assistance, should be final.

I pointed out to Mr. Reverdy Johnson the inapplicability of this method of proceedings as applied to the Alabama claims and others of the same class. I expressed my opinion that inasmuch as the question at issue was really the culpability or non-culpability of her Majesty's government in regard to the matter complained of, it would be in the highest degree unseemly that a British subject should be called upon to pronounce judgment on the authorities of his own country; nor would the position of the American commissioners be much better—for if they decided against the view taken by the United States government, they would in fact be condemning the policy maintained by that government during the last four years.

Moreover, it would be hardly possible to find in either country any individual of sufficient eminence for such a duty who was not in speech or writing already committed to some view on the question; nor could impartiality be reasonably expected in a matter in which the feelings of both countries were so deeply involved.

For these reasons it seemed to me preferable that the arbitrator proposed should be the sovereign or president of a friendly state. I named especially the President of the Swiss republic and the King of Prussia.

Mr. Reverdy Johnson said he was not instructed to accede to the proposal I had made, but would telegraph for permission to do so. He did so accordingly before leaving the office, and has promised me an early reply.

In this conversation little was said as to the point on which the former negotiations broke off, viz., the claim made by the United States government to raise before the arbiter the question of the alleged premature recognition by her Majesty's government of the confederates as belligerents. I stated to Mr. Reverdy Johnson that we could not on this point depart from the position which we had taken up, but I saw no impossibility in so framing the reference as that, by mutual consent, either tacit or express, the difficulty might be avoided.

I am, &c.,

STANLEY.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, October 24, 1868.

Insist on convention like 1853, without now naming arbiter. Convention must be submitted to Senate and the country. Objection would be raised to any arbiter who could be named in advance. When convention goes into effect, the two governments can instruct the commissioners to agree on arbiter.

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Seward to Mr. Johnson.

[Telegram per cable—Extract.]

DEPARTMENT OF STATE,
Washington, October 25, 1868.

* * * * * * Can you hasten claims convention?

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, October 27, 1868.

Dispatch received. Will try to hasten claims convention.

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Extract.]

No. 40.] LEGATION OF THE UNITED STATES,
London, October 28, 1868.

SIR: Your cipher telegrams, dated the 21st, 24th, and 27th instant, respectively, have been received.

I was to have had an interview with Lord Stanley to-day, but he has just advised me that he is obliged to leave the city, and therefore to postpone our meeting until to-morrow.

Under the authority given me by your cipher dispatch of the 24th instant, I hope and believe that I shall be able to conclude a convention in relation to the Alabama claims and other similar claims, as well as

all other claims, upon the basis of the convention of the 8th of February, 1853.

His lordship, however, is very reluctant to leave the decision of the first two of those claims to a board composed of subjects of her Majesty or citizens of the United States, with an authority to call in an umpire to be selected by themselves, because of the character of the questions of international law which they present. He prefers that these should be submitted to some foreign friendly government. But this I think he will consider will be accomplished by a convention under which the selection of an arbitrator is to be afterwards made by the two governments, and not by the commissioners.

I fully appreciate the force of the objections suggested by you to the naming of an arbitrator in regard to these claims in the convention itself, that it might hazard its confirmation by the Senate and be more or less distasteful to the country.

It is understood between us that the arbitrator is not to be restricted to the consideration of any one point upon which the claims may rest, but may consider every one involved in them.

* * * * * * *

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, October 29, 1868.

Expect to sign Alabama convention, as instructed, next week.

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Extract.]

No. 42.] LEGATION OF THE UNITED STATES,
London, October 31, 1868.

SIR: Although my last cipher dispatch advised you that the Alabama claims question was going on favorably, I think it as well to repeat the information. Under the authority of your cipher dispatch of the 24th instant, I believe I shall be able to conclude a convention upon such terms as you and the President will approve, and it is more than probable that this may be accomplished before you receive this note, and that you will be advised of it by telegraph. * * * I have, therefore, the strongest hope that the President will be able to communicate in his next annual message to Congress a satisfactory adjustment of all the matters which have for some years, to a certain extent, weakened the friendly relations between the two countries.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

No. 47.] LEGATION OF THE UNITED STATES,
London, November 7, 1868.

SIR: I have now the pleasure in saying to you that I have good reasons for believing that there will be no such delay in the execution of the convention relative to the Alabama claims as I anticipated in my confidential dispatch No. 44, of the 4th instant. I think at present that a convention on the subject will be signed in the course of the coming week, and hope to be able to send it to you by the bag of Wednesday or Saturday night. If a satisfactory arrangement is thus made of this perplexing, and, for a time, rather dangerous controversy, there will then be nothing remaining to prevent the return of perfectly friendly relations between the two countries, and that such a result will be satisfactory to the people of both, and inure greatly to their joint advantage, I can have no doubt.

I have the honor to remain, with high regard, your obedient servant,
REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

[Telegram per cable—Extract.]

DEPARTMENT OF STATE,
Washington, November 7, 1868.

San Juan protocol right, except President Switzerland must be named arbitrator. Claims protocol will meet opposition.

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WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c., &c., &c.*

Mr. Johnson to Mr. Seward.

No. 49.] LEGATION OF THE UNITED STATES,
London, November 10, 1868.

SIR: I have the gratification to inform you of the particulars of the joint convention, signed by Lord Stanley and myself on this day, for the settlement of all the claims that the citizens of either country may have against this government and the government of the United States. What are known as the Alabama claims are of course embraced by it.

The first article provides for the appointment of four commissioners, two by each government. The board to meet in London at the earliest period subsequent to their appointment, and before considering any claims to agree upon an umpire.

In the event of their not being able to come to a decision upon any claim, the questions are to be submitted to the umpire.

In relation to all claims other than the Alabama claims, decisions may be made by a majority of the commissioners.

This provision is contained in the second article. It also stipulates

that each government is to appoint one person to represent it before the board as agent, and points out in general terms his duties.

By the third article all claims are to be presented within six months from the day of their first meeting; but authority is given them to extend the time for their presentation three months longer. And the whole is to be closed within two years from the first-named day.

Articles four, five, and six apply only to the Alabama claims. By the fourth, before the commissioners are to consider such claims, the two governments are to agree upon some "sovereign or head of a friendly state as an arbitrator in respect of such claims, to whom such class of claims shall be referred in case the commissioners shall be unable to come to a unanimous decision upon the same."

By the fifth, if the arbitrator appointed under the authority of the fourth shall decide in favor of any or all of these claims, they are to be referred back to the commissioners to ascertain the amount due upon each. This may be decided by a majority; and if there be not a majority, the decision is to be made by the umpire appointed by the commissioners under the authority given them by the first article.

By the sixth article, the correspondence and evidence in regard to these claims, now in the possession of either government, are, without further argument or evidence, to be alone considered by the commissioners or the arbitrator, unless they unanimously, or he, shall call for further argument or evidence.

By the seventh, the decision by the commissioners or the arbitrator, as the case may be, is made conclusive upon both governments.

Under the eighth article no claims are to be received which may have arisen prior to the 26th of July, 1853, the date of the exchange of the ratifications of the convention of 8th February, 1853, these having all been adjusted by the commissioners under that treaty.

Under the ninth article the awards are to be paid in coin, or its equivalent, without interest, within twelve months after the date of each award.

The tenth article makes the decisions arrived at under the convention conclusive upon all claims presented; and all claims which might be presented, but are not, are also to be barred.

The eleventh article contains some details, and gives the authority to appoint the secretary of the board to the principal secretary of state for foreign affairs and United States minister in London.

The salaries of the commissioners are to be fixed and paid by each government appointing them.

The remaining article provides that the ratifications of the convention are to be exchanged at London as soon as may be within twelve months from its date.

It is proper that I should give, as briefly as may be necessary, my reasons for assenting to the convention, or rather to some of its provisions: 1st. You have heretofore refused to enter into an agreement to arbitrate the Alabama claims unless this government would agree that the question of its right to acknowledge as belligerents the late so-called southern confederacy be also included within the arbitration. You will see by the terms of the first and the fourth articles that that question, as well as every other which the United States may think is involved in such claims, is to be before the commissioners or the arbitrator. This is done by the use of general terms, and the omission of any specification of the questions to be decided. And my authority for agreeing to this is found in your original instructions of the 20th of July last, and

is indeed to be found in the correspondence between yourself and my predecessor regarding these claims.

2d. Upon reflection I thought it better for our claimants, particularly the Alabama claimants, that the commission should sit in London instead of Washington, because nearly all if not all the evidence upon which they rest is to be found here or in Liverpool; and my instructions were silent as to the place of meeting.

3d. The provision that the awards are to be paid in coin, or its equivalent, I deemed to be due to good faith. As those which may be made in favor of our citizens against this government will be paid in coin, I thought it obviously just that those which may be made in favor of British subjects should be discharged in the same way.

Hoping and not doubting that the convention will meet with the approval of the President and yourself, and receive the sanction of the Senate, I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Convention between Great Britain and the United States of America for the settlement of all outstanding claims. Signed at London, November 10, 1868.

Whereas claims have at various times since the exchange of the ratifications of the convention between Great Britain and the United States of America, signed at London on the 8th of February, 1853, been made upon the government of her Britannic Majesty on the part of citizens of the United States, and upon the government of the United States on the part of subjects of her Britannic Majesty; and whereas some of such claims are still pending, and remain unsettled; her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feeling which subsist between the two countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their plenipotentiaries to confer and agree thereupon, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Edward Henry Stanley, commonly called Lord Stanley, a member of her Britannic Majesty's most honorable privy council, a member of Parliament, her principal secretary of state for foreign affairs;

And the President of the United States of America, Reverdy Johnson, esquire, envoy extraordinary and minister plenipotentiary from the United States to her Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree that all claims on the part of subjects of her Britannic Majesty upon the government of the United States, and all claims on the part of citizens of the United States upon the government of her Britannic Majesty, which may have been presented

to either government for its interposition with the other since the 26th of July, 1853, the day of the exchange of the ratifications of the convention concluded between Great Britain and the United States of America, at London, on the 8th of February, 1853, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article III of this convention, whether or not arising out of the late civil war in the United States, shall be referred to four commissioners, to be appointed in the following manner, that is to say: two commissioners shall be named by her Britannic Majesty, and two by the President of the United States. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, her Britannic Majesty, or the President of the United States, as the case may be, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners so named shall meet at London at the earliest convenient period after they shall have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the governments of her Britannic Majesty and of the United States, respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some person to act as an arbitrator or umpire, to whose final decision, save as otherwise provided in Article IV of this convention, shall be referred any claim upon which they may not be able to come to a decision. If they should not be able to agree upon an arbitrator or umpire, the commissioners on either side shall name a person as arbitrator or umpire; and in each and every case in which the commissioners may not be able to come to a decision, the commissioners shall determine by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen as arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining, or ceasing to act as such arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid.

Article II.

The commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each government, as counsel or agent for such government, on each and every separate

claim. Should they fail to decide by a majority upon any individual claim, they shall call to their assistance the arbitrator or umpire whom they may have agreed upon, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal.

The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The provisions of this article shall, however, be subject to the special arrangements made by articles four, five, and six of this convention, respecting the claims which form the subject of those articles, and which shall be dealt with as directed in those articles.

Article III.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire in the event of the commissioners differing in opinion thereupon; and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the commissioners, or for the arbitrator or umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

The commissioners shall have power to adjudicate upon the class of claims referred to in the official correspondence between the two governments as the Alabama claims; but before any of such claims is taken into consideration by them, the two high contracting parties shall fix upon some sovereign or head of a friendly state as an arbitrator in respect of such claims, to whom such class of claims shall be referred in case the commissioners shall be unable to come to a unanimous decision upon the same.

Article V.

In the event of a decision on any of the claims mentioned in the next preceding article being arrived at by the arbitrator, involving a question of compensation to be paid, the amount of such compensation shall be referred back to the commissioners for adjudication; and in the event of their not being able to come to a decision, it shall then be decided by the arbitrator appointed by them, or who shall have been determined by lot according to the provisions of Article I.

ARTICLE VI.

With regard to the before-mentioned Alabama class of claims, neither government shall make out a case in support of its position, nor shall any person be heard for or against any such claim. The official correspondence which has already taken place between the two governments respecting the questions at issue shall alone be laid before the commissioners; and (in the event of their not coming to a unanimous decision as provided in Article IV) then before the arbitrator, without argument written or verbal, and without the production of any further evidence.

The commissioners unanimously, or the arbitrator, shall, however, be at liberty to call for argument or further evidence, if they or he shall deem it necessary.

ARTICLE VII.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, hereby solemnly and sincerely engage to consider the decision of the commissioners, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each of such claims decided upon by them or him respectfully, and to give full effect to such decisions without any objection or delay whatsoever.

ARTICLE VIII.

It is agreed that no claim arising out of any transaction of a date prior to the 26th of July, 1853, the day of the exchange of the ratifications of the convention of the 8th of February, 1853, shall be admissible under this convention.

ARTICLE IX.

All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid in coin or its equivalent by the one government to the other, as the case may be, within twelve months after the date of the decision, without interest.

ARTICLE X.

The high contracting parties engage to consider the result of the proceedings of this commission as a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled and barred.

ARTICLE XI.

The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ clerks or other persons to assist them in the transaction of the business which may come before them.

The secretary shall be appointed by the principal secretary of state for foreign affairs of her Britannic Majesty, and by the representative of the United States in London, jointly.

Each government shall pay the salaries of its own commissioners. All other expenses and the contingent expenses of the commission, including the salary of the secretary, shall be defrayed in moieties by the two parties.

ARTICLE XII.

The present convention shall be ratified by her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof, the respective plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at London the tenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] STANLEY.
[SEAL.] REVERDY JOHNSON.

[From British Blue Book, "North America," No. 1, 1869, p. 11.]

No. 15.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *November* 10, 1868.

SIR: Mr. Reverdy Johnson called at the Foreign Office on the 29th ultimo and made a proposal on behalf of his government for a basis on which a settlement of the British and American claims might be arrived at by arbitration through a mixed commission.

This proposal was reduced to a more formal shape at a further interview between Mr. Reverdy Johnson and myself on the 3d instant, at which her Majesty's attorney general was present, and has now been adopted in a convention which I have this day signed with Mr. Johnson, and of which I inclose a copy for your information.

You will observe that the general claims are to be adjudicated upon by the commissioners, who on this occasion are to be four in number, assisted by an arbitrator, in the manner provided by the former claims convention of the 8th of February, 1853.

The class of claims known as the Alabama claims are also to be dealt with by the commissioners, but their consideration of these claims is to be limited to the official correspondence which has already taken place between the two governments, and, in the event of their not coming to a unanimous decision, is to be referred to some sovereign or head of a friendly state who is to be chosen by the two governments as arbitrator for the purpose, without argument or further evidence. The commissioners unanimously, or the arbitrator, are, however, to be at liberty to call for argument or further evidence if they or he shall deem it necessary.

I am, &c.,

STANLEY.

[The convention is inclosed with dispatch from Mr. Johnson to Mr. Seward, No. 49, November 10, 1868, *ante.*]

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, November 11, 1868.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

Claims protocol not received. Convention must sit in Washington. We thought this understood—absolutely essential under circumstances. Get this and all will be right.

WILLIAM H. SEWARD.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, November 12, 1868.

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Will try Washington. [London] Best for Alabama claims. All proof here. If umpire European, Washington would much delay settlement. Did not understand you wished Washington. Your 375 to Adams says not of sufficient importance to insist on. Stanley not here. Can do nothing without him. Convention, yesterday's mail.

REVERDY JOHNSON.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, November 12, 1868.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

Insist, in view of highly disturbed national sensibilities, Washington is indispensable.

WILLIAM H. SEWARD.

Mr. Johnson to Mr. Seward.

No. 53.] LEGATION OF THE UNITED STATES,
London, November 14, 1868.

SIR: As you will have seen before this reaches you, your cable cipher dispatch of the 11th instant was duly received. The one of the next day was also duly received.

Lord Stanley will not be in London before Wednesday or Thursday next, and until then I shall not be able to inform you whether Washington will be substituted for London as the place for the meeting of the claims commission.

As stated in my cipher dispatch to you of the 12th instant, I agreed to London as the place, for two reasons: first, because what are known as the Alabama claims against this government, involve a much larger amount than all the other claims of our citizens, and the evidence in support of them, as well as any other that may be called for by the com-

missioners or the umpire, is in England; and, second, because I suppose it to be almost certain that the umpire in relation to these claims will be the head of a European state, to whom the claimants and the agent of our government could have much more speedy access than if the commission was in Washington; and I cannot help thinking that the proposed change, if effected, will operate to their injury or at least to their inconvenience. If, however, I had been instructed to insist upon Washington as the place of meeting, or had understood that such was the wish of yourself and the President, I should have insisted upon it. But I was not so instructed, nor did I so understand.

Your original instructions to me of the 20th of July, 1868, are altogether silent upon the point, as are also everything which you have forwarded to me since, prior to your cipher dispatch of the 11th instant; and, before signing the convention, I referred to your dispatch No. 375, of 21st October, 1862, to Mr. Adams, in which I found that although the evidence on which the then "British claims," or the most of them, rested, was said by you to be in the United States, a suggestion doubtless made with a view to induce this government to agree to Washington as a place for the meeting of the commission you then desired. You informed Mr. Adams that if it was strenuously objected to by this government it was "a matter not of sufficient importance to be insisted upon." Although I cannot say that Lord Stanley strenuously objected to the change—and I hope he will not now—yet he urged me to agree to London as the place best suited for the interest of all claimants, British and American, and as being much more convenient and less expensive. I thought this view was the correct one and acted upon that impression. Under these circumstances I hope that the President and yourself will not think that I committed any great mistake. It may be true that at home there exists a "highly disturbed national sensibility," which for a moment would influence the public judgment upon the subject, yet I have such confidence in the good sense of our people as to believe that when all the facts are known and the reasons which have governed me are disclosed, that judgment would be satisfied with what I have done. But, however this might be, I will now do whatever I may be able to get Washington instead of London made the place for the meeting of the commission, and will, at the earliest moment, advise you of the result.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, November 16, 1868.

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Have reason to believe Washington will be agreed to.

REVERDY JOHNSON.

Mr. Johnson to Mr. Seward.

No. 61.] LEGATION OF THE UNITED STATES,
London, November 23, 1868.

SIR: Lord Stanley and myself have signed to-day a supplement to the claims convention, which makes two changes in the original. The first is that Washington is to be the place of meeting of the commission instead of London; and the second, rendered necessary by that change, is that the secretary of the commission is to be chosen by our Secretary of State and the British minister at Washington.

I am glad to say that Lord Stanley very readily assented to these alterations, and that he has from the first evinced an earnest desire to settle upon terms entirely satisfactory to the United States every disputed matter, whilst scrupulously guarding what he believed to be the rights and honor of his own country; and I am equally glad to say that this is in accordance with the manifest sentiment of the people of all classes, and especially of the statesmen who, if there be a change in the administration here, will be called to the government.

I have the honor to remain, with high regard, your obedient servant,
REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

ADDITIONAL ARTICLE.

Whereas, by Article I of the convention between her Britannic Majesty and the United States of America, signed at London on the 10th day of November, 1868, for the settlement of all outstanding claims, it was agreed that the commission thereby stipulated to be appointed for the investigation and decision of such claims should meet at London; and whereas it has since appeared desirable that the place of meeting of the said commission should be Washington, the plenipotentiaries who signed that convention, having met together, have agreed to substitute Washington for London as the place for the meeting and sitting of the commission aforesaid. They have further agreed that the secretary of the commission shall be appointed by the representative of Great Britain at Washington and by the Secretary of State of the United States, jointly, instead of in the manner provided by Article XI of the convention.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the convention of the 10th of November, 1868. It shall be ratified, and the ratifications shall be exchanged, at the same time as those of the convention.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London the 23d day of November, in the year of our Lord 1868.

[SEAL.] STANLEY.
[SEAL.] REVERDY JOHNSON.

[From British Blue Book, "North America," No. 1, 1869, p. 15.]

No. 17.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *November* 24, 1868.

SIR: With reference to my dispatch of the 10th instant, I transmit herewith, for your information, three copies of an additional article to

the convention which was signed on the above date, for the settlement of all outstanding claims between Great Britain and the United States.

I am, &c.,

STANLEY.

[The additional article to the convention is inclosed with dispatch from Mr. Johnson to Mr. Seward, No. 61, November 23, 1868, *ante*.]

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, November 24, 1868.

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Washington substituted for London. See bag.

REVERDY JOHNSON.

Mr. Seward to Mr. Johnson.

[Telegram per cable—Extract.]

DEPARTMENT OF STATE,
Washington, November 26, 1868.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

* * * Claims convention, unless amended, is useless. Wait for dispatches Friday or Saturday.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, November 27, 1868.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

The following amendments referring to British printed copy are essential in the claims treaty:

Article I, line 20, insert after President, by and with the advice and consent of the Senate.

Same Article I, second paragraph, strike out London and insert Washington.

Same Article I, third page, strike out, save as otherwise provided in Article IV of this convention.

Article II, strike out the last paragraph entire.

Article IV, strike out all after word claims in fourth line, or, if preferred, cancel the whole of Article IV.

Article V. If Article IV is amended and retained as above proposed, Article V may then stand without amendment. If Article IV is canceled entirely, then amend Article V, line 2, by striking out the words "mentioned in the preceding article."

Article VI. Either cancel the whole, or substitute the following therefor: "In case of every claim, the official correspondence which has taken

place between the two governments respecting the questions at issue shall be laid before the commissioners, and, in the event of their not coming to a decision thereupon, then before the arbitrator. Either government may also submit further evidence and further argument thereupon, written or verbal."

Article IX. Strike out twelve and insert eighteen.

Article XI, second paragraph, strike out all after the word "the," and insert representative of her Britannic Majesty at Washington and the Secretary of State of the United States, jointly.

If these amendments be not accepted, let San Juan remain in protocol. If they are accepted, sign the claims convention as amended, and convert San Juan protocol into convention, and sign the same. Full explanations go by post, but time is important.

WILLIAM H. SEWARD.

[For copy of the convention presenting the above amendments see inclosure to dispatch from Mr. Seward to Mr. Johnson, No. 47, November 27, 1868, *post.*]

Mr. Seward to Mr. Johnson.

No. 47.] DEPARTMENT OF STATE,
Washington, November 27, 1868.

SIR: I have received your dispatch of the 10th of November, No. 49, which is accompanied by a convention which you signed with Lord Stanley at London, on the 10th instant, for the settlement of all outstanding claims. Your dispatch gives your reasons for assenting to the convention, and especially to some of its provisions. Having submitted these papers to the President, I am now to give you his directions concerning the matters thereby presented. In order to do this with greater perspicuity, I shall take notice of the several articles contained in the convention in their proper order.

Article I provides for the appointment of four commissioners for the adjustment of mutual claims, two to be named by her Britannic Majesty and two by the President of the United States. In the event of any commissioner omitting or ceasing to act, her Britannic Majesty, or the President of the United States, as the case may be, shall name another person to act as commissioner instead of the commissioner originally named. Article I further provides that the commissioners shall meet at London and make and subscribe a solemn declaration therein prescribed. This declaration shall be entered of record. This article further provides that the commissioners shall then, and before proceeding to any other business, name some person to act as arbitrator or umpire, to whose final decision, save as otherwise provided in Article IV, shall be referred any claim upon which they may not be able to come to a decision. If they should not be able to agree upon an arbitrator or umpire, the commissioners on either side shall name a person as arbitrator or umpire, and in each and every case in which the commissioners may not be able to come to a decision the commissioners shall determine by lot which of the two persons so named shall be arbitrator or umpire in that particular case. The person or persons so to be chosen as arbitrator or umpire shall make and subscribe the same solemn declaration which is prescribed to the commissioners, and it is to be entered of record. In the event of the death, absence, incapacity, or failure of such arbitrator or umpire,

another shall be named to act as arbitrator or umpire in the same manner as the person originally named.

In regard to this Article I, I remark that we must require that it may be amended so as to provide that the commissioners to be named on the part of the United States shall be named by the President, by and with the advice and consent of the Senate of the United States. It is not doubted that this ought to be, as it probably would be taken to be, the meaning of the convention as it now stands. Nevertheless, with the view to avoid possible misapprehension, it is desirable that the article should be amended so as to make the provision literally conform in this respect to the Constitution of the United States. Of course her Majesty's government can have no objection to this amendment.

Secondly, we are advised that, in accordance with my suggestions heretofore made by cable telegram, her Majesty's government have consented to amend this first article so as to substitute Washington instead of London for the place of the meeting of the commissioners. This amendment will be expected to be finally made.

Thirdly, we must insist upon amending this first article by striking out the words "save as otherwise provided in Article IV of this convention." Our reasons for this amendment will fully appear in my commentary upon Articles IV, V, and VI. You are authorized to say that with these amendments Article I would be satisfactory to the President of the United States.

I proceed to Article II. Article II prescribes certain forms and rules for the proceedings of the commissioners, and provides that each government may name one person to attend the commissioners as agent upon its behalf, to present and support claims on its behalf, to answer claims made upon it, and to represent it generally. Article II closes with the following paragraph: "The provisions of this article shall, however, be subject to the special arrangements made by Articles IV, V, and VI of this convention, respecting the claims which form the subject of those articles, which shall be dealt with as directed in those articles."

The United States must insist on striking out this last paragraph of Article II, for the reasons which appear in the remarks hereinafter made on Articles IV, V, and VI. You are authorized to say that with this exception Article II would be satisfactory to the President.

I pass to Article III. Article III fixes the periods within which claims shall be submitted, examined, and decided. This article is unobjectionable, and is entirely approved.

I have thus come to Article IV. Article IV specially declares that the commissioners shall have power to adjudicate upon the class of claims referred to in the official correspondence between the two governments as the Alabama claims, but declares that before any such claims are to be taken into consideration by them the two high contracting parties shall fix upon some sovereign or head of a friendly state as an arbitrator in respect of such claims, to whom such class of claims shall be referred in case the commissioners shall be unable to come to a unanimous decision upon the same.

The United States are obliged to disallow this Article IV. The United States have no objection to the first clause of the article, which declares that the commissioners shall have power to adjudicate upon the so-called Alabama claims. Indeed, the United States would willingly retain this clause because of its explicitness in regard to the Alabama claims. They did not in their instructions to you insist upon such a special direction in regard to the Alabama claims, but only because they thought that special mention of those claims might be deemed incon-

venient on the part of her Majesty's government, while it could not admit of doubt that these so-called Alabama claims were plainly included, as well as all other claims of citizens of the United States, in the comprehensive description of claims contained in Article I.

Secondly, it is to be considered by her Majesty's government that the Alabama class of claims constitute the largest and most material portion of the entire mass of claims of citizens of the United States against Great Britain which it is the object of this convention to adjust. Upon the Alabama claims, as well as all others, this government is content to obtain, and most earnestly desires, a perfectly fair, equal, and impartial judicial trial and decision. This government has always explicitly stated that it asks no discrimination in favor of the Alabama claims, and can admit of no material discrimination against them in the forms of trial or judgment, but must, on the contrary, have them placed on the same basis as all other claims. This Article IV, so far from placing them on an equal footing with the other United States claims and with the British claims, prejudicially discriminates against them in these respects:

1. While the convention provides that the other United States claims and the British claims shall be settled and determined by a majority of the commissioners, this Article IV requires entire unanimity of the commissioners for a decision upon any of the Alabama claims.

2. This Article IV further discriminates against the Alabama claims in this, that while the choice of an arbitrator or umpire in regard to all other than the Alabama claims is left to be decided by lot in case of disagreement of the commissioners, this Article IV provides that in regard to the Alabama claims the two governments shall definitely agree in the appointment of an arbitrator or umpire.

3. This Article IV again discriminates against the Alabama claims in requiring that in regard to those claims the arbitrator or umpire shall be some sovereign or head of a friendly state, while no such limitation is made in regard to any other class of claims.

The present negotiation was undertaken in the hope that the controversy about international claims which has so long existed, and has been attended with so much national feeling on both sides, might be amicably settled and closed by adopting the very simple yet comprehensive principles and forms of reference and adjudication which were adopted with so much success, under circumstances not very dissimilar, by the convention for the adjustment of international claims of February 8, 1853. That convention was proposed by the United States, as a model which had already received the approval of both parties and had the prestige of complete and even felicitous success. That convention of 1853 had no reservations and no preference of, for, against, or concerning claims of any class of citizens or subjects of either nation. A judicial tribunal was constituted by it in a manner perfectly equal, just, and fair, and to that tribunal was confided the duty of hearing all claims of whatever separate classes in only one and exactly the same manner, and deciding upon them in only one and exactly the same manner. It probably would conduce to no good end to set forth on this occasion the reasons why the Alabama claims, more than any other class of international claims existing between the two countries, are the very claims against which the United States cannot agree to or admit of any prejudicial discrimination. To present those reasons now would be simply to restate arguments which have been continually presented by this department in all the former stages of this controversy, while it is fair to admit that those reasons have been controverted with equal perseverance by her Majesty's department for foreign affairs.

It is not to be understood by these remarks that the United States except against the possible designation of a sovereign or head of a friendly state as arbitrator or umpire in regard to the Alabama claims. On the contrary, the United States would not be unwilling to have so distinguished an arbitrator or umpire agreed upon by the commissioners in any and, indeed, in every case that shall come before them. All that is insisted upon is that the arbitrament of a sovereign or head of a nation shall not be made unnecessary in regard to other United States claims and British claims and yet be made indispensable to the adjustment of the Alabama claims.

Article V provides that in the event of a decision on any of the claims mentioned in the next preceding article (Article IV) being arrived at by the arbitrator involving a question of compensation to be paid, then the amount of such compensation shall be referred back to the commissioners for adjudication, and in the event of their not being able to come to a decision it shall then be decided by the arbitrator appointed by them, or who shall have been determined by lot, according to Article I.

I remark upon this Article V that no objection will be made to it if it shall be so amended as to adapt it to the general structure of the convention after Article IV shall have been stricken out.

Article VI provides that, with regard to the Alabama class of claims, neither government shall make out a case in support of its position, nor shall any person be heard for or against any such claim. The official correspondence which has already taken place between the two governments respecting the questions at issue shall alone be laid before the commissioners, and in the event of their not coming to a unanimous decision, as provided in Article IV, then before the arbitrator without argument, written or verbal, and without the production of any further evidence. But the commissioners unanimously, or the arbitrator, shall, however, be at liberty to call for argument or further evidence if they shall deem it necessary.

The United States are obliged to disallow this article in its present form upon the principles set forth in my remarks upon Article IV, and for the reasons there given. The article is believed to be superfluous, while the precautions it contains against allowing as full a hearing and examination of the Alabama claims as is allowed to all other American claims and to British claims, would have the mischievous effect of exciting unnecessary distrust in the Senate and among the people of the United States, and it is presumed even among the people of Great Britain. The President confidently hopes that, upon reconsideration of the subject, her Majesty's government will consent to amend the convention by striking out Article VI, or at least by amending it, so that Article VI will read as follows:

"In case of every claim, the official correspondence which has already taken place between the two governments, respecting the questions at issue, shall be laid before the commissioners, and in the event of their not coming to a decision thereupon, then before the arbitrator. Either government may also submit further evidence and further argument thereupon, written or verbal."

Article VII provides that the decision of the commissioners or of the arbitrator or umpire, as the case may be, shall be considered by both parties as absolutely final and conclusive, and full effect shall be given to such decisions without any objection or delay whatsoever.

This Article VII is approved.

Article VIII provides that no claim arising out of any transaction prior to the 26th of July, 1853, the day of the exchange of the ratifica-

tions of the convention of the 8th of February, 1853, shall be admissible under the convention.

This Article VIII is approved.

Article IX provides that all sums of money which may be awarded by the commissioners or by the arbitrator or umpire, on account of any claim, shall be paid in coin, or its equivalent, by the one government to the other, as the case may be, within twelve months after the date of the decision, without interest.

In view, however, of possible delays of legislative appropriation in the two countries, the word "twelve" ought to be struck out and the word "eighteen" inserted. Article IX, if so amended, would be accepted.

Article X provides that the high contracting parties engage to consider the result of the proceedings of the commission as a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether it shall have been presented to the notice of, made, preferred, or laid before the commission, shall, from and after the conclusion of the proceedings of the convention, be considered and treated as finally settled and barred.

This Article X seems unobjectionable and is approved.

Article XI provides that the commissioners shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ clerks or other persons to assist them in the transaction of the business which may come before them; that the secretary shall be appointed by the principal secretary of state for foreign affairs of her Britannic Majesty, and by the representative of the United States in London, jointly; that each government shall pay the salaries of its own commissioners, and all other expenses, and the contingent expenses of the commission, including the salary of the secretary, shall be defrayed in moieties by the two parties.

I suggest that this Article XI shall be amended, first by inserting after the word "commissioners," in the first line, the words, "an arbitrator or umpire;" and second, by stiking out the second paragraph entirely and substituting for it the words following: "The secretary shall be appointed by the representative of her Britannic Majesty in Washington, and by the Secretary of State of the United States, jointly." With these amendments this Article XI will be satisfactory.

Article XII fixes a period within which the ratifications of the convention shall be exchanged.

This article is unobjectionable and is approved.

I close this dispatch, as you might reasonably expect, with some remarks and directions upon the general subject of the negotiation. It is sincerely hoped that the amendments I have proposed may be allowed by her Majesty's government. It is conceived that these amendments do not, in fact, change the character of the convention, and that they do not secure to one party, or deprive the other of, any material advantage which the convention allows in its present shape. All that they can accomplish is to relieve the convention of an apparent spirit and tendency to prejudice the largest class of United States claims before the commission and the arbitrator.

In assigning my reasons for requiring the amendments, I have confined myself within the narrowest possible limits, seeking to avoid all unnecessary argument or controversy. You are authorized, however, to say I am of opinion that the amendments proposed are important to recommend the convention to acceptance by the Senate and approval by the Congress of the United States.

The terms in which you have expressed yourself, in your correspondence concerning the convention, leave no room to doubt that you have supposed that it would be satisfactory to the United States in its present shape. It is further believed that you may have expressed that opinion to Lord Stanley. Her Majesty's government, disappointed in the expectation thus excited, may possibly be reluctant to continue the negotiation. In that case you are authorized to say that the transaction was conducted on the part of this government by a large use of the cable telegraph; that you were expected by this government to adhere more closely than you have done to the convention of 1853 as a model, and were supposed to be so adhering, while my telegraphic instructions, written under that misconception, were liable to be misunderstood by you as approving the departures you have made from that prescribed model. To this statement you will add the expression of regret on the part of this government that this misunderstanding, which now seems to have been unavoidable, should have been a means of leading her Majesty's government to suppose that Articles IV, V, and VI might be expected to obtain the constitutional assent of the government of the United States.

If on receiving this instruction you shall be able to bring the negotiations to a satisfactory conclusion, it will be better to have that conclusion expressed in the form of a protocol rather than of a convention. That form would be preferable over the form of a convention in view of the discussions which any settlement of the subject might be expected to undergo in the Senate and among the people of the United States. It is not intended, however, by this remark to indicate any distrust of the acceptance of the convention when amended as herein proposed. On the contrary, there is good reason to believe that such a settlement would be as promptly approved as its influence upon the relations of the two countries would be immediately felt and appreciated.

It remains only to say that, in view of the present situation of the claims question, it is expedient to let the satisfactory settlement of the naturalization question and the San Juan question rest in protocol. On the other hand, should her Majesty's government accept the amendments of the claims convention herein proposed, you are authorized in that case to reduce the three or either two of these agreements to the forms of distinct convention, and to sign and transmit them at once to this department to be laid before the President for ratification.

To facilitate your understanding of this dispatch I give you herewith a copy of the convention as it would stand when amended as herein proposed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Convention between Great Britain and the United States of America for the settlement of all outstanding claims. Signed at London, November 10, 1868.

[The amendments to this protocol, as made by Mr. Seward and referred to in the preceding instruction, are indicated as follows: The words added are in italics. Those stricken out are placed between brackets.]

Whereas claims have at various times since the exchange of the ratifi-

cations of the convention between Great Britain and the United States of America, signed at London on the 8th of February, 1853, been made upon the government of her Britannic Majesty on the part of citizens of the United States, and upon the government of the United States on the part of subjects of her Britannic Majesty; and whereas some of such claims are still pending and remain unsettled; her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feeling which subsists between the two countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their plenipotentiaries to confer and agree thereupon, that is to say: her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Edward Henry Stanley, commonly called Lord Stanley, a member of her Britannic Majesty's most honorable privy council, a member of Parliament, her principal secretary of state for foreign affairs; and the President of the United States of America, Reverdy Johnson, esquire, envoy extraordinary and minister plenipotentiary from the United States to her Britannic Majesty; who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree that all claims on the part of subjects of her Britannic Majesty upon the government of the United States, and all claims on the part of citizens of the United States upon the government of her Britannic Majesty, which may have been presented to either government for its interposition with the other since the 26th of July, 1853, the day of the exchange of the ratifications of the convention concluded between Great Britain and the United States of America, at London, on the 8th of February, 1853, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article III of this convention, whether or not arising out of the late civil war in the United States, shall be referred to four commissioners, to be appointed in the following manner, that is to say: two commissioners shall be named by her Britannic Majesty, and two by the President, *by and with the advice and consent of the Senate*, of the United States. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, her Britannic Majesty, or the President of the United States, as the case may be, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners so named shall meet at [London] *Washington* at the earliest convenient period after they shall have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the governments of her Britannic Majesty and of the United States, respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some person to act as arbitrator or umpire, to whose final

decision [save as otherwise provided in Article IV of this convention] shall be referred any claim upon which they may not be able to come to a decision. If they should not be able to agree upon an arbitrator or umpire, the commissioners on either side shall name a person as arbitrator or umpire; and in each and every case in which the commissioners may not be able to come to a decision, the commissioners shall determine by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen as arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid.

NOTE.—*The following is an amendment to the third paragraph of the foregoing article, which Mr. Johnson was instructed by telegram, on the 20th December, to propose to the British government:* "The commissioners shall then, and before proceeding to any other business, name some person to act as an abitrator or umpire, to whose final decision shall be referred any claim upon which they may not be able to come to a decision. In the case of any and every claim, the arbitrator or umpire may be the head of a friendly sovereign state or nation. In naming or agreeing upon an arbitrator or umpire, the commissioners on each side may refer themselves to their own government for instructions; and the contracting parties will, in such case, within six months after notice of such reference shall have been given, decide upon such arbitrator or umpire, and instruct their commissioners accordingly. If it shall happen, nevertheless, that at the expiration of the period of six months before named no person, the head of a sovereign state or otherwise, has been agreed upon as arbitrator or umpire, then and in that case the commissioners on each side shall name a person, the head of a sovereign state or otherwise, as arbitrator or umpire. And in each and every case in which the commissioners shall not be able to come to a decision, they shall determine by lot which of any two persons so named shall be the arbitrator or umpire in that particular case, the person first so drawn by lot being regarded as the choice of the commissioners. The person or persons so to be chosen as arbitrator or umpire, if not the head of a sovereign state or nation, shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining or ceasing to act as such arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid."

ARTICLE II.

The commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may think proper, but upon such evidence or information only as

shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each government, as counsel or agent for such government, on each and every separate claim. Should they fail to decide by a majority upon any individual claim, they shall call to their assistance the arbitrator or umpire whom they may have agreed upon, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal.

The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

[The provisions of this article shall, however, be subject to the special arrangements made by Articles IV, V, and VI of this convention, respecting the claims which form the subject of those articles, and which shall be dealt with as directed in those articles.]

Article III.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire in the event of the commissioners differing in opinion thereupon; and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the commissioners, or for the arbitrator or umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

The commissioners shall have power to adjudicate upon the class of claims referred to in the official correspondence between the two governments as the "Alabama" claims; [but before any of such claims is taken into consideration by them, the two high contracting parties shall fix upon some sovereign or head of a friendly state as an arbitrator in respect of such claims, to whom such class of claims shall be referred in case the commissioners shall be unable to come to a unanimous decision upon the same.]

Note.—Or, if preferred, cancel the whole of Article IV.

Note.—*On the 20th December Mr. Johnson was instructed by telegraph to omit the above article.*

ARTICLE V.

In the event of a decision on any of the claims mentioned in the next preceding article being arrived at by the arbitrator involving a question of compensation to be paid, the amount of such compensation shall be referred back to the commissioners for adjudication; and in the event of their not being able to come to a decision, it shall then be decided by the arbitrator appointed by them, or who shall have been determined by lot according to the provisions of Article I.

NOTE.—If Article IV is amended and retained as proposed, Article V may stand without amendment. If Article IV is canceled entirely, then amend Article V, line 1, by striking out the words "mentioned in the next preceding article."

NOTE.—*On the 20th December Mr. Johnson was instructed by telegraph to omit the above article.*

ARTICLE VI.

With regard to the before-mentioned "Alabama" class of claims, neither government shall make out a case in support of its position, nor shall any person be heard for or against any such claim. The official correspondence which has already taken place between the two governments respecting the questions at issue shall alone be laid before the commissioners, and (in the event of their not coming to a unanimous decision as provided in Article IV) then before the arbitrator, without argument written or verbal, and without the production of any further evidence.

The commissioners unanimously, or the arbitrator, shall, however, be at liberty to call for argument or further evidence, if they or he shall deem it necessary.

NOTE.—Either cancel the whole of Article VI, or substitute the following:

"In case of every claim, the official correspondence which has taken place between the two governments respecting the questions at issue shall be laid before the commissioners, and, in the event of their not coming to a decision thereupon, then before the arbitrator. Either government may also submit further evidence and further argument thereupon, written or verbal."

NOTE.—*On the 20th December Mr. Johnson was instructed by telegraph to omit the above article.*

ARTICLE VII.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, hereby solemnly and sincerely engage to consider the decision of the commissioners, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each of such claims decided upon by them or him respectively, and to give full effect to such decisions without any objection or delay whatsoever.

ARTICLE VIII.

It is agreed that no claim arising out of any transaction of a date prior to the 26th of July, 1853, the day of the exchange of the ratifications of the convention of the 8th of February, 1863, shall be admissible under this convention.

ARTICLE IX.

All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid in coin or its equivalent by the one government to the other, as the case may be, within [twelve] *eighteen* months after the date of the decision, without interest.

ARTICLE X.

The high contracting parties engage to consider the result of the proceedings of this commission as a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled and barred.

ARTICLE XI.

The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ clerks or other persons to assist them in the transaction of the business which may come before them.

The secretary shall be appointed by the [principal secretary of state for foreign affairs of her Britannic Majesty, and by the representative of the United States in London, jointly] *representative of her Britannic Majesty at Washington and the Secretary of State of the United States, jointly.*

Each government shall pay the salaries of its own commissioners. All other expenses, and the contingent expenses of the commission, including the salary of the secretary, shall be defrayed in moieties by the two parties.

ARTICLE XII.

The present convention shall be ratified by her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date thereof.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed their respective seals.

Done at London, the tenth day of November, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] STANLEY.
[SEAL.] REVERDY JOHNSON.

[From British Blue Book, "North America," No. 1, 1869, p. 15.]

No. 18.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *November* 27, 1868.

SIR: I have received your telegraphic dispatch of to-day's date, informing me that difficulties have been raised by the government of

the United States in regard to the claims convention recently signed by Mr. Reverdy Johnson and myself, and that they are of opinion, in which you concur, that the convention as it now stands would not be sanctioned by the Senate.

You also mention that the United States cabinet are anxious that the convention should be passed, and have asked you to come home to explain their objections to it, and to endeavor to induce her Majesty's government to make modifications in it.

I have this day informed you by telegraph that I see no necessity for your returning to England, and have instructed you to inform me by telegraph of the points objected to by the United States government, and of the grounds on which their objections have been raised.

I am, &c.,

STANLEY.

Mr. Johnson to Mr. Seward.

[Extract.]

No. 65.] LEGATION OF THE UNITED STATES,
London, November 28, 1868.

SIR: I have the honor to acknowledge the receipt of your telegraphic dispatch of the 26th instant.

* * * * * * * * *

Why you are of the opinion that the claims convention is "useless unless amended" you do not state, and I am unable to conjecture. I have just had an interview at the Foreign Office with Lord Stanley, who read me a dispatch from her Majesty's minister at Washington, which stated that it was understood that all the cabinet disapprove of it, and had said that it was contrary to instructions. This latter statement puzzles me yet more. If I understand your original, and all the subsequent instructions, whether by telegraph or otherwise, the convention conforms substantially with them. By those of the 20th of July, I considered myself authorized, if this government would adjust, as desired, the naturalization and San Juan controversies, to settle the claims controversy by a convention on the model of that of February 8, 1853. And as the two former were satisfactorily arranged, I deemed myself not only authorized but bound to adopt the course that I did in relation to the latter.

The convention is in substance the same with the one of 1853. The only difference is in the articles relating to the Alabama claims, in which it is provided that the head of some foreign government is to be the arbitrator to decide them in the event that the commissioners prove unable to come to an unanimous decision; and that he is to be selected by the two governments previous to their consideration by the commissioners. In all other respects the two conventions are nearly identical.

By your dispatch No. 20, of the 23d of September, I was expressly authorized, as I understood, to agree to such a convention whenever I should become satisfied that the naturalization and San Juan questions were or would be satisfactorily arranged. It is true that in this dispatch the arrangement was not to be obligatory until those of the two former were finally settled. The same condition was annexed to my powers as to the San Juan matter, and I made the protocol in regard to that dependent upon the final and satisfactory settlement of the naturalization question. This provision is not inserted in the claims convention,

not because her Majesty's government had or would object to it, but because the Senate might properly decline to ratify it until that was done, and in this effect your object. And such must have been the view of Lord Stanley as I made him acquainted with this limitation of my authority. If, however, the signing of the convention without this limitation is esteemed a disregard of instructions, it is but literally so, and cannot, in any way that I can conceive, render the convention "useless" should it be ratified.

By your telegraphic dispatch of the 11th of November, I was told, in so many words, that if I could get Washington substituted for London as the place of meeting of the commission, "all will be right." And, as you have been advised, I did obtain this substitution.

That the naturalization question will be settled according to the views of our government is certain whether this government remains in office or not. I know this not only from the public sentiment of the country, but from personal intercourse with some of the leading statesmen who, it is understood, will constitute a part of the government should there be a change.

Awaiting the receipt of the dispatches to which your telegram of the 26th refers,

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 1, 1869, pp. 22-25.]

No. 21.

Mr. Thornton to Lord Stanley.

[Extract.]

WASHINGTON, *November* 30, 1868.

Mr. Seward received, on the 24th instant, the convention upon claims signed by your lordship and Mr. Reverdy Johnson on the 10th instant. It was taken into consideration on the same day at the meeting of the cabinet, and rumors were current soon after that the government were sorely disappointed at its contents, which were pronounced to be unsatisfactory.

I had the honor to receive the copy sent me by your lordship on the following day, the 25th instant.

On the 26th, Mr. Seward called upon me and informed me that the contents of the convention were not in accordance with the instructions which had been given to Mr. Reverdy Johnson; that the President and his colleagues could not approve of certain of the stipulations comprised therein; and that they were unanimously of opinion that in its present form the convention would not receive the sanction of the Senate. Upon the latter point I could not but concur. Mr. Seward confessed that it was possible that some excuse might be made for Mr. Johnson's not having kept more closely to his instructions, because, as some of these were given by telegrams in answer to Mr. Johnson's questions sent by the same channel, Mr. Seward may have misunderstood the former, and Mr. Johnson may not have fully comprehended the instructions sent in reply.

But, wherever the fault lay, Mr. Seward proceeded to assure me that his government earnestly desired that a good work, which had been

brought so nearly to a satisfactory conclusion, should not at the last moment fail; and that, consequently, although they acknowledged that your lordship would be justified in declining to reopen negotiations, they hoped that, in consideration of the importance of the subject, you would not do so, but would consent to some modifications of the convention which would render it acceptable to the Senate. At the same time, he expressed his sense, and that of his colleagues, of the difficulty which would be encountered of explaining by correspondence why the convention in its present shape is objectionable, and that they had considered the expediency of sending some one to England for the purpose of doing this verbally. It was at first proposed that either Mr. Evarts, now Attorney General, who during the war was well known in England, or Mr. Seward himself, should undertake this mission; but upon examination it was found that, besides other reasons which rendered this step unadvisable, the President had not the power to allow either of these gentlemen to intrust to any one else, even for a short time, the duties of their offices. It was therefore proposed and the President commissioned Mr. Seward to ask me whether I would consent to go to England for the purpose of laying the circumstances of the case before your lordship. I at once replied that I could not do so without your lordship's leave, but would consider whether I should ask for it by telegram. At the same time I pointed out to him that so sudden a visit to England might give rise to suppositions and rumors in this country which might be prejudicial to the end we both had in view. It was agreed that I should again see Mr. Seward on the next day, and he would explain to me more fully the objections which were made to the convention in its present form. But before he left me I pointed out to him that, unless the convention were finally accepted by the United States, the latter would be in a bad position in the eyes of the world if, after her Majesty's government had consented to all that was asked by the representative of the United States, the government and Senate of the latter should refuse to confirm what he had signed, and that I therefore hoped a conciliatory spirit would be shown in the fresh instructions now about to be given. Mr. Seward did not deny the truth of my observation, but replied that such a feeling would pass off, and the conviction would remain that the United States were determined to keep the question open—a state of things which, with regard to future eventualities, might be more injurious to England than to this country. He assured me, however, in the most earnest manner, that he was convinced that the Senate would sanction the convention if it were modified in the manner which he should now propose.

Upon reflection, I determined to send to your lordship my telegram of the 27th instant.*

On the following day I had an interview with Mr. Seward, during which he read me a draught of a dispatch which he intended to send to Mr. Reverdy Johnson; and, after the receipt of your lordship's telegram of the 28th instant, I paid him another visit. I understand that a telegram was sent to Mr. Johnson on the evening of the 27th instant, and that the dispatch, of which the draught had been read to me, left New York on the 28th instant. These two contained the modifications proposed by Mr. Seward, and which I proceed to detail more fully than was possible in the telegram which I had the honor of forwarding to your lordship to-day.†

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* See No 19, from British Blue Book, "North America," No. 1, 1869, *ante*.

† In substance the same as the telegraphic dispatch from Mr. Seward to Mr. Johnson, November 27, 1868, *ante*.

Mr. Seward has pointed out to Mr. Reverdy Johnson that he had always intended, and had so instructed him, that a protocol, not a convention, should be signed with regard to the "Alabama" and war claims, in the same manner, and with the same condition, as that upon the San Juan question. I have certainly always understood this to be the case, and I believe that my correspondence with your lordship has given indications of this conviction on my part. Mr. Seward explains that he had proposed this step not from any want of confidence that a bill would be submitted by her Majesty's government to Parliament for modifying the existing laws of allegiance, but because he preferred that the Senate should be conciliated by the stipulations being submitted to them in the form of a protocol, which would be as it were a mode of asking their advice whether a convention might be signed in the same terms, their sanction of which would thus be insured. I now gather, however, from Mr. Seward's dispatch, that he has authorized Mr. Johnson, should your lordship wish it, and should you consent to the proposed modifications, to sign conventions on all the three questions—naturalization, San Juan, and claims—or on any two of them.

The first change asked by Mr. Seward is that in line 20 of the 1st article should be inserted, after the word "States," the words "by and with the advice and consent of the Senate." Your lordship will easily understand that this is not a *sine quâ non*, but is proposed as a mark of deference to the Senate on the part of the President, and as the more expedient on account of the recent conflict between the Congress and the President, and, therefore, more likely to disarm opposition. It is a change to which I imagine her Majesty's government would have no objection.

To the change of the place of meeting of the commission from London to Washington, your lordship has already signified your willingness to assent.

The proposal to cancel, in line 44, from the word "save" to the word "convention," and the last paragraph of Article II, is a consequence of Mr. Seward's petition that the whole of Article IV should also be canceled. The United States government declare that the second period of this article contains an unjust discrimination against the "Alabama" claims as compared with other American and the British claims.

Mr. Seward asserts that he instructed Mr. Johnson to endeavor to conclude a protocol with your lordship as similar as possible to the convention of 1853, and that he never contemplated such a deviation from the stipulations contained in the latter as would render the new arrangement unfair toward the "Alabama" claimants. The United States government consider Article IV unfair, because it stipulates that only one umpire shall be named; that he shall be chosen by the high contracting parties and not by the commissioners; and that he must be a sovereign or head of a state; whereas, with regard to the other American and the British claims, the commissioners are to choose the umpire or umpires, who may be any person or persons they may select, without respect to class.

Whilst upon this point, I should observe that I gathered from Mr. Seward that his government would not object to a sovereign or head of a state being named by the commissioners as umpire or umpires, and that they would even consent to give their commissioners instructions to that effect; but that the Senate would not probably sanction its being mentioned in the protocol, because it would be different from the convention of 1853. I even believe that if the commission were actually installed here, before the present administration should leave office, the

President might be induced to instruct the United States commissioners to consent to the choice of the King of Prussia as umpire, should he be proposed by the English commissioners.

The United States government likewise object to the unanimous decision required by Article IV for "Alabama" claims, whereas the other claims may be decided by a majority of the commissioners. This they consider unjust, and are even more sensitive about it than upon the subject of the umpire. They would, however, have no objection to the first sentence of Article IV as far as the semicolon, if your lordship should wish that it should remain, although no instructions had been previously given to Mr. Johnson to make any positive declaration with regard to the "Alabama" claims so as to distinguish them from the others.

If Article IV were canceled, Article V would naturally have the same fate.

The United States government strongly object to Article VI, because it does not allow either government to make out a case in support of its position, nor any person to be heard for or or against the "Alabama" claims; whereas both these steps are allowed with regard to other claims, and they do not see why a prejudical distinction should be stipulated in the convention against the "Alabama" claims, which would render the sanction of the Senate more doubtful, although they acknowledge that little could be added to what is contained in the official correspondence. They also object, for the reasons already mentioned, to the decision being necessarily unanimous, both with regard to the claims themselves or to the calling for argument or further evidence. They therefore ask that Article VI may be canceled, or that it may be substituted by the following words:

"In case of every claim, the official correspondence which has already taken place between the two governments respecting the question at issue shall be laid before the commissioners, and, in the event of their not coming to a decision thereupon, then before the arbitrator. Either government may also submit further evidence and further argument thereupon, written or verbal."

Mr. Seward further proposes that in Article IX eighteen months may be substituted for twelve months, because circumstances may arise which may delay the assignment of the necessary sums for the payment of the claims by the House of Representatives, as happened lately with regard to the payment to Russia for the Alaska Territory.

Finally, Mr. Seward asks for a change of the second paragraph of Article XI, which is merely consequent upon the change of the place of meeting of the commission from London to Washington.

Should your lordship be able to agree to these modifications, Mr. Seward has repeatedly assured me that the Senate are committed to the acceptance of the convention so modified, and that he is convinced they will sanction it.

Mr. Johnson to Mr. Seward.

No. 72.] LEGATION OF THE UNITED STATES,
London, December 5, 1868.

SIR: I have the honor to acknowledge the receipt of your cipher cable dispatch of the 27th of November, which reached me on the 29th, at about 12 noon.

I had an interview with Lord Stanley early on the following morning,

and found he had received one in substance the same from Mr. Thornton.

In regard to most of the amendments suggested by you, he had no objection; two of them, indeed, we had already formally agreed to. One of them, substituting Washington for London as the place of meeting of the commission, and the other, incidental to that, giving to the British minister at Washington and our Secretary of State, instead of the United States minister here and the foreign secretary of this government, the authority to appoint the secretary.

His lordship expressed, however, no willingness to change the mode of appointing the arbitrator who is to decide the question of the liability of this government for the Alabama claims. He did not, however, lead me to believe that his objection to the change might not be yielded. His view is, and was from the first, that the questions involved in these demands were of such a nature that it would be better for the two governments not only for the present, but for the future, that they should be decided by some friendly government. He thinks that in the contingency that the commissioners should not unanimously agree, the judgment of such an arbitrator would be more satisfactory to the two countries, and would have more influence in settling the principle upon which the demands depend, than the decision of an individual arbitrator, however eminent he might be. I confess that these considerations had much weight with me, and led me to agree to the provision which you desire to have modified. And as there was nothing in your instructions, or in the convention of the 8th February, 1853, which I was told was to be the "model" of one I might sign in any way inconsistent with such a provision, there was nothing to restrain me from exercising my own judgment. The present government, as you doubtless already know, have tendered their resignations, and are now only holding office until their successors shall be appointed. Who these will all probably be is not yet made public. But it is understood that Mr. Gladstone will be the premier and Earl Clarendon the foreign secretary. My negotiations must be suspended until he is in office. I shall lose no time when that happens to renew them with him, and I hope to be able to reach a satisfactory result. Whether this will be done by obtaining the change as to the appointment of the arbitrator to decide the Alabama claims exactly in the manner you propose, or in some substantially similar manner, I do not certainly know. But I believe I shall be able to succeed by one of the two modes. I have every reason to think (indeed I know, from several conversations with him before the resignation of the late ministry) that Lord Clarendon entertains a sincere friendship for our government, and desires earnestly that every controversy between the two countries shall be speedily and amicably adjusted.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

No. 49.] DEPARTMENT OF STATE,
Washington, December 7, 1868.

SIR: Your dispatch of the 23d of November, No. 61, has been received. It is accompanied by an "additional article" which, on the 23d of Novem-

ber, you signed with Lord Stanley, to have the same force and effect as if it had been inserted word for word in the convention of claims which you signed with his lordship on the 10th of November last. By this additional article Washington is substituted for London as the place for the meeting of the convention, and the provision for the appointment of a secretary has been changed so as to adapt it to that amendment.

This transaction on your part is in accordance with the suggestions of this department and is approved. In regard to the whole subject, we are now waiting for the answer of her Majesty's government to the propositions which you have been instructed to submit for further amendment of that convention. The examinations and reflections which have been bestowed upon the matter of the claims convention have fully confirmed the opinion expressed in that instruction, that the further amendments thus proposed are necessary to secure the approval of the convention by the Senate of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

[From British Blue Book, "North America," No. 1, 1869, pp. 16–22.]

No. 20.

Lord Stanley to Mr. Thornton.

FOREIGN OFFICE, *December* 8, 1868.

SIR: I understand, from your telegraphic dispatch of the 27th ultimo, that Mr. Seward and the cabinet of Washington disapprove of the convention which the United States minister signed with me on the 10th ultimo, for the settlement of British and American claims, on the ground that it is not in accordance with the instructions sent to Mr. Johnson, and that they are confident that the Senate will refuse to sanction it. I have learnt from your further telegram, received on the 30th ultimo, the very important modifications which Mr. Seward wishes to be made in that agreement.*

I have received this intelligence with some surprise, as during the progress of our negotiations Mr. Johnson at no time intimated to me that he was not acting under sufficient instructions from his government; indeed, when framing with him the memorandum which was the groundwork of, and is, in fact, embodied in the convention, I distinctly understood from him that he thought their approval was certain; and subsequent to the signature of the convention, I was further informed by him that Mr. Seward had stated in a telegraphic dispatch that if the place of meeting of the commission was Washington and not London, "all will be right." This point having been conceded, her Majesty's government had every reason to suppose that the convention was in other respects accepted by the cabinet of Washington as it stood, with a fair hope that it would ultimately receive the sanction of the Senate of the United States.

Under these circumstances I think it right to place on record in a dis-

* These are stated in the telegraphic dispatch from Mr. Seward to Mr. Johnson, dated November 27, 1868, *ante*.

patch a full narrative of the communications which have passed between Mr. Johnson and myself on the question of the claims, and which led to the signature of the convention of the 10th of November, and of the separate article attached to it.

In a conversation which took place at the foreign office on the 25th of September, Mr. Johnson, after discussing with me the subject of naturalization, passed to that of the so-called "Alabama" claims. In this conversation, of which a memorandum is inclosed, extracted from my notes of the interview, Mr. Johnson first suggested, as a means of settlement, the payment of a lump sum of money, or a cession of territory by Great Britain, both of which plans I considered inadmissible, so long as the question of the liability of Great Britain was denied by us, and remained undecided. Mr. Johnson then spoke of the manner in which arbitration, if agreed upon, might be carried out, and made a suggestion that the questions in dispute with regard to these claims might be referred to the decision of a certain number of individuals, to be selected for their acquaintance with the principles at issue. He said that these persons need not be subjects of either of the two countries directly concerned. Without committing myself to any positive decision on this point, I said that although such a proceeding would be contrary to the usual practice in such cases, I did not at the moment see any objection to it so vital as to make it *ab initio* inadmissible, provided the other points of difference were satisfactorily arranged. This conversation, so far as it related to the "Alabama" claims, was understood to be of a confidential and unofficial character, Mr. Johnson having no authority to deal with that question till the question of naturalization had been disposed of. Nothing, therefore, passed which could be held to bind either party.

After signing the protocol on naturalization on the 9th of October, Mr. Johnson entered with me on the discussion of the San Juan question. During the progress of the negotiations he communicated, confidentially, an extract of his instructions to the following effect: "Our conclusion is, that in the event that you become convinced that an arrangement of the naturalization question, which would be satisfactory to the United States in view of your previous instructions, can be made—then, and in that case, you may open concurrent negotiations upon the two questions first herein named, to wit, San Juan and the claims questions; but that those two negotiations shall not be completed, or your proceedings therein be deemed obligatory, until after the naturalization question shall have been satisfactorily settled by treaty or by law of Parliament."

In consequence of this clause in his instructions, Mr. Johnson stipulated that the agreement on the San Juan arbitration should be embodied in a protocol instead of a treaty, and that a provision should be inserted making its operation dependent on the satisfactory settlement of the naturalization question by treaty, or by law of of parliament, or by both. To which clause the words, "unless the two parties shall in the mean time otherwise agree," were added at my suggestion.

The protocol on the San Juan question having been signed on the 17th of October, Mr. Johnson called by appointment, on the 20th of the same month, to discuss with me the question of the claims. In this conversation, which is placed on record in my dispatch to you of the 21st, Mr. Johnson proposed that "all the claims on both sides should be referred to the decision of commissioners who should be, in equal numbers, British subjects and American citizens; who, if they disagreed, should have power to call in an umpire, and whose decision with such assistance should be final."

I objected to this plan, for reasons given at length in the dispatch, and said that for these reasons it seemed to me preferable that the arbitrator proposed should be the sovereign or president of a friendly state. I named especially the King of Prussia, as likely to be acceptable to both parties. Mr. Johnson said that he was not instructed to accede to the proposal I had made, but would telegraph for permission to do so.

Mr. Johnson called on the 29th of October to convey the answer of his government, and a memorandum of his communication is inclosed.

From this statement it appears that Mr. Seward conceived that "there would be a prejudice on one side or the other against any arbitrator who might be named beforehand to decide on this specific question." He proposed, therefore, that "each government should, in the first place, name commissioners, two on each side, to adjudicate on all claims by the subjects or citizens of either country on the other, arising out of the late civil war in the United States." "The two governments in addition to agree on an arbitrator or arbitrators, to whose final decision shall be referred any question connected with such claims on which the commissioners shall be unable to come to an agreement among themselves." "In the event of this plan being adopted, it would appear expedient further to provide that neither government should make out a case in support of its position with regard to any class of claims, but that any question on which difficulties may arise between the commissioners should go from them to the arbitrator as it stands."

On the 3d of November Mr. Johnson again called on me at the foreign office, by appointment, for a conference, at which the attorney general, at my instance, and with Mr. Johnson's consent, was also invited to be present, and at this meeting a memorandum was drawn up, of which a copy is also inclosed, embodying the result arrived at, and to which Mr. Johnson was understood to assent on behalf of his government.

It is on the bases laid down in this memorandum that the convention of the 10th of November is founded.

The memorandum was submitted by me to the lord chancellor and the prime minister, and upon their suggesting some verbal alterations for the sake of greater clearness, I sent a copy on the 4th of November, with the revisions marked, to Mr. Johnson, to ask whether he saw any objection to them.

Mr. Johnson replied the next day that he had no objection to the alterations, with one exception, in which he suggested the substitution of an English version for the Latin words "*pro hac vice*," which it was proposed to introduce. Mr. Johnson said that he did not see that these words affected the sense of the article at all, but that others might suppose that they did, and he might be asked for an explanation, which would lead to delay. He added, "It is important, I think, that the convention be signed at the earliest moment, and I will thank your lordship to let me know when you can see me on the subject, as there are some matters of detail yet to be agreed upon."

I accepted at once the single modification proposed by Mr. Johnson in the memorandum, and a protocol was drawn up in the terms specified, and submitted to the law officers of the crown for their opinion. But as Mr. Johnson had used the word "convention" in his note of the 5th of November, I wrote to him to ask "whether he would be ready to sign an actual convention on the subject, or whether he would still prefer to adhere to the form of a protocol, similar to those in which the results of the former negotiations on the naturalization and San Juan questions had been recorded."

To this Mr. Johnson replied, on the same day, in the following terms: "I will sign a convention instead of a protocol on the matters now unsettled, as I consider that I am authorized to do so by the cable dispatch from Washington, which I showed you, taken in connection with my original instructions. But will you consider them equivalent to a formal full power? If you do have an agreement drawn up in that form."

Upon the receipt of this note, a draught convention was drawn up, and I forwarded it to Mr. Johnson on the 7th of November, stating that I was ready to sign such a convention, to be signed by Mr. Johnson *sub spe rati*, in the absence of formal powers.

Mr. Johnson called on the 9th of November, and discussed the provisions of the convention at length, proposing various alterations. He particularly insisted on the necessity of the commission sitting at Washington and not at London; but on being shown the inconvenience of such an arrangement, and the delay which would arise in the reference of disputed points and production of further evidence as regards the "Alabama" claims, he finally waived the point.

The convention, with such alterations as had been adopted, was then drawn out and signed on the 10th of November.

On the 12th of November Mr. Johnson called at the foreign office, and, as I was then absent at Lynn, he wrote me a private note to the effect that he had "just received a telegraphic message from Mr. Seward, saying, claims convention entirely acceptable, except as to the place of meeting, and that it is essential to its approval by the Senate that the place be Washington and not London." After some delay, in consequence of my absence from town, a telegram was received from you in the same sense.

I then agreed to the alteration, though I still considered that it would be productive of inconvenience, and an additional article to carry the change into effect was signed on the 23d of November.

Matters remained in this state until the receipt of your telegram of the 27th of November, up to which time I was under the impression, which was also shared in by Mr. Johnson, that the convention which had been signed, being in accordance with his instructions as construed by him, would meet with the approval of the United States government.

I am, &c.,

STANLEY.

[Inclosure No. 1.]

Memorandum of conversation between Lord Stanley and Mr. Reverdy Johnson, at the Foreign Office, September 25, 1868.

The first subject touched upon was that of naturalization. Lord Stanley explained the difficulties which lay in the way of the signature of the treaty, but threw out the idea of a protocol, to recognize, subject to the passing of an act of Parliament, the principle that subjects of either country, becoming naturalized in the other, should be released from their native allegiance. Mr. Johnson expressed himself quite favorable to such an arrangement, and seemed to think that it would be satisfactory.

As regards the San Juan boundary, Mr. Johnson said that he should be ready to agree, in the name of the United States government, to arbitration as soon as the naturalization question was once disposed of.

The conversation then turned on the "Alabama" claims. Mr. Johnson adverted generally, though not in the form of distinct proposals, to various methods by which this question might be settled. His first suggestion was the payment of a lump sum of money. Lord Stanley at once declared this to be inadmissible so long as the question of our being liable at all was denied by us and undecided by any mode of reference. Mr. Johnson then talked of some cession of territory, an idea which Lord Stanley did not think more promising. Finally, in the supposition that arbitration was the only means to be resorted to, Mr. Johnson talked over the manner in which such arbitration could be arranged, and suggested that a certain number of individuals should be selected, distinguished for their acquaintance with the principles at issue, to whom the questions in dispute should be referred. It was understood that these persons should of course not belong to either of the two countries. Lord Stanley answered in general terms, and without distinctly committing himself either way, that such a proceeding would be contrary to the usual practice in such cases, but that he did not at the moment see any objection to it so vital as to make it, *ab initio*, inadmissible, provided the other points of difference were satisfactorily arranged.

It was understood on both sides that the conversation, so far as it related to the "Alabama" claims, was of a confidential and unofficial character, Mr. Johnson having no authority to deal with that question till naturalization was disposed of. Nothing, therefore, passed which could be held to bind either party.

[Inclosure No. 2.]

Memorandum of conversation between Lord Stanley and Mr. Reverdy Johnson, October 29, 1868.

At the last interview which Mr. Johnson had had with Lord Stanley, on the 20th instant, he had agreed to telegraph to his government to ask whether they would consent to the question of the liability of Great Britain for the so-called "Alabama" claims being referred to the arbitration of the King of Prussia. He now called to communicate Mr. Seward's answer to that proposal.

Mr. Seward is of the opinion that there would be a prejudice on one side or the other against any arbitrator who might be named beforehand to decide on this specific question, and suggests a plan by which he thinks this difficulty may be avoided.

He proposes that the two governments should in the first place name commissioners, two on each side, to adjudicate on all claims by the subjects or citizens of either country on the other arising out of the late civil war in the United States. Each government to name its own commissioners.

The two governments, in addition, to agree on an arbitrator, or arbitrators, to whose final decision shall be referred any question connected with such claims on which the commissioners shall be unable to come to an agreement among themselves.

It may be presumed as a matter of course that the commissioners will differ as to the admissibility of the Alabama and similar claims. The question will then be referred by them to the arbitrator with whom the decision will thus virtually rest.

In the event of this plan being adopted it would appear expedient

further to provide that neither government should make out a case in support of its position with regard to any class of claims, but that any question on which difference may arise between the commissioners should go from them to the arbitrator as it stands.

[Inclosure No. 3.]

Memorandum of the result of a conference between Lord Stanley, Mr. Reverdy Johnson, and the attorney general, at the Foreign Office, November 3, 1868.

[The alterations in red ink show the manner in which the memorandum was revised at the meeting between Lord Stanley, the lord chancellor, and Mr. Disraeli, November 4, 1868. This copy was sent privately to Mr. Reverdy Johnson, to know if he concurred in those alterations, and returned by him with a suggestion, as marked, on paragraph 3.]

NOTE.—The words which appear in *italics* are printed in the British Blue Book in red ink, and the Roman words in brackets [ ] are in the British Blue Book erased by a red line drawn across their face.—*Printer.*

It is proposed by Mr. Reverdy Johnson on behalf of the government of the United States:

1. That the two governments shall, in the first place, name commissioners, two on each side, to determine all claims by subjects or citizens of either country on the other, whether or not arising out of the late civil war in the United States, [other than those hereinafter mentioned,] *subject to the qualification mentioned under section* 3.

2. The said commissioners to agree on an arbitrator to whose final decision shall be referred any claim *except as hereinafter mentioned* upon which the commissioners differ.

3. The commissioners [to] *shall* have power to adjudicate upon the so-called Alabama and other similar claims; *but* before such [last-mentioned] claims are taken into consideration by [the commissioners] *them*, the respective governments [to] *shall* fix upon some sovereign or head of a friendly state, *as an arbitrator pro hâc vice*,* to whom the whole of such questions shall be referred in the event of the commissioners disagreeing upon the same.

4. In the event of a decision on any of such last-mentioned claims being arrived at, involving a question of compensation to be paid, the amount of such compensation to be referred back to the commissioners for adjudication, and, in the event of their differing, then to the arbitrator appointed by them under the second section.

5. The awards of the commissioners in all cases to be unanimous. Otherwise the matter in dispute to go to the arbitrator.

6. In regard to the so-called "Alabama" claims, and others included under the same head, it is agreed that neither government shall make out a case in support of its position, but that the questions at issue, as set forth in the official correspondence between the two governments, shall be referred to the commissioners, and, in the event of their making no award, then to the arbitrator, without comment or the production of further evidence, unless such evidence or argument shall be called for by the commissioners or arbitrator as the case may be.

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* Alteration proposed by Mr. Reverdy Johnson, and accepted by Lord Stanley: "as to such claims."

[Inclosure No. 4.]

Lord Stanley to Mr. Reverdy Johnson.

FOREIGN OFFICE, *November* 4, 1868.

DEAR MR. JOHNSON: I have been in consultation with some of my colleagues respecting the proposal for referring the British and American claims to arbitration, and some verbal alterations have been suggested in the memorandum drawn up at our conference yesterday.

I inclose a copy of the memorandum, with the revisions marked in red ink, and shall be obliged by your letting me know whether you see any objection to them. They are simply introduced for the sake of greater clearness.

Believe me, &c.,

STANLEY.

[Inclosure No. 5.]

Mr. Reverdy Johnson to Lord Stanley.

LEGATION OF THE UNITED STATES,
London, December 5, 1868.

MY DEAR LORD STANLEY: I have just received your note of last evening, with its inclosure, and hasten to say that I have no objection to the alterations suggested in the latter. I would prefer, however, that the words *pro hâc vice* inserted in the third article should be omitted. I do not see that they affect the sense of the article at all, but others may suppose that they do; and I may be asked for an explanation, which would lead to delay. I would suggest, therefore, that instead of those words we substitute "as to such claims." It is important, I think, that the convention be signed at the earliest moment; and I will thank your lordship to let me know when you can see me on the subject, as there are some matters of detail yet to be agreed upon.

With sincere regard, &c.,

REVERDY JOHNSON.

[Inclosure No. 6.]

Lord Stanley to Mr. Reverdy Johnson.

FOREIGN OFFICE, *November* 6, 1868.

DEAR MR. JOHNSON: I shall be most happy to see you here on Monday at 12. I see no objection to the words *pro hâc vice* being omitted, and "as to such claims" substituted.

Very truly, yours,

STANLEY.

[Inclosure No. 7.]

Lord Stanley to Mr. Reverdy Johnson.

FOREIGN OFFICE, *November* 6, 1868.

DEAR MR. JOHNSON: In order to expedite matters, I am having the memorandum as to the settlement of the claims put into formal shape,

so that any further addition which may be adopted at our next meeting may be inserted with the least possible delay.

For this purpose I should be glad to know whether you would be ready to sign an actual convention on the subject, or whether you would still prefer to adhere to the form of a protocol, similar to those in which the results of our former negotiations on the naturalization and San Juan questions have been recorded.

I make the inquiry, as you used the word "convention" in your note of yesterday.

Believe me, &c.,

STANLEY.

[Inclosure No. 8.]

Mr. Reverdy Johnson to Lord Stanley.

LEGATION OF THE UNITED STATES,
London, November 6, 1868.

MY DEAR LORD STANLEY: I will sign a convention instead of a protocol, on the matters now unsettled, as I consider that I am authorized to do so by the cable dispatch from Washington, which I showed you, taken in connection with my original instructions. But will you consider these equivalent to a formal full power? If you do, have an agreement drawn up in that form.

I remain, &c.,

REVERDY JOHNSON.

[Inclosure No. 9.]

Lord Stanley to Mr. Reverdy Johnson.

FOREIGN OFFICE, *November* 7, 1868.

DEAR MR. JOHNSON: I am ready to sign a convention with you on the claims question, to be signed by you *sub spe rati*, in the absence of formal full powers.

I accordingly inclose a draught, founded on the terms of the memorandum, with such additions as are necessary to define the action of the commission, &c.; these additions being principally taken from the convention concluded between the two governments in 1853 for the settlement of claims, of which instrument I also send you a copy.

Believe me, &c.,

STANLEY.

[Inclosure No. 10.]

Mr. Reverdy Johnson to Lord Stanley.

4 UPPER PORTLAND PLACE, *November* 12, 1868.

MY DEAR LORD STANLEY: I have just received a telegraphic dispatch from Mr. Seward, saying claims convention entirely acceptable, except as to the place of meeting; and that it is essential to its approval by the Senate that the place be Washington and not London. I think the

change will be disadvantageous to the "Alabama" claimants; but if he is right, that it is necessary to the final ratification, I hope you will not object to it.

Let me know, by telegram or mail, at your earliest convenience; if by telegram, say, "Have no objection."

Yours, truly,

REVERDY JOHNSON.

Mr. Seward to Mr. Johnson.

No. 52.] DEPARTMENT OF STATE,
Washington, December 12, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 28th of November, No. 65. Before the date of the present writing you will have received a full explanation of the President's views upon the subject which you have now discussed. It only remains for me, therefore, to say that the indications here leave no room to doubt that the views thus submitted by me are entirely in accordance with the expectations of the country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Johnson to Mr. Seward.

No. 80.] LEGATION OF THE UNITED STATES,
London, December 16, 1868.

SIR: I am unable as yet to report satisfactory progress in the matter of the claims convention. I had an interview at the Foreign Office with Lord Clarendon yesterday, by appointment, in regard to it. His lordship had not had time during the period of his short accession to office to make himself acquainted with the exact state of the negotiation. I found him, however, most desirous to bring it to a satisfactory conclusion; and I do not anticipate much difficulty in our accomplishing it. I explained to his lordship the terms of the convention signed by Lord Stanley and myself, and your objections to some of them, with the reasons upon which they were placed. As was the case with Lord Stanley, his lordship told me that he thought that from the character of the questions upon which the liability of this country for the Alabama claims rested, it was better that the arbitrator who should decide them, if the commissioners fail to agree, should be the head of some foreign friendly government. I believe, however, that if he shall not waive this view we may be able to devise a plan by which it can be gratified without conflicting with the objections you have in that particular to the present convention.

His lordship told me that he would at the earliest period examine the whole matter and appoint an early day for another meeting.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, December 18, 1868.

Fourth, fifth, and sixth articles omitted. In place: If commissioners, or two of them, be unable to decide any claim, and think, from its nature, it should be left to arbitration of foreign state, they so to report to their respective governments, who shall, within six months, agree upon some sovereign or head of a friendly state.

Other amendments agreed to. Will the one above be approved? Answer.

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

No. 82.] LEGATION OF THE UNITED STATES,
London, December 19, 1868.

SIR: Until I receive an answer to my cable cipher dispatch of yesterday, I do not deem it proper to proceed further with the negotiation in relation to the claims convention. If your answer shall approve of my suggestion as to an article in lieu of the 4th, 5th, and 6th articles of the convention signed by Lord Stanley and myself, I apprehend no difficulty in bringing the matter to a speedy and satisfactory conclusion. Lord Clarendon is as anxious for such a result as we are.

The moment I hear from you by cable I will renew the negotiation, and if necessary advise you of its progress by the same mode.

I have the honor to remain, with high regard, your obedient servant,
REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, December 20, 1868.

Cipher telegram received.

We definitively propose what follows on claims:

Substitute protocol for convention; but this not indispensable. Protocol to be signed here, not London; but this not indispensable. Date to be day of signature.

Article I, paragraph first—Amend, "by and with advice and consent of the Senate."

Article I, paragraph second—Instead of London, Washington.

Article I, paragraph third—Substitute following: "The commissioners shall then, and before proceeding to any other business, name some person to act as an arbitrator or umpire, to whose final decision shall be

referred any claim upon which they may not be able to come to a decision. In the case of any and every claim, the arbitrator or umpire may be the head of a friendly sovereign state or nation. In naming or agreeing upon an arbitrator or umpire, the commissioners on each side may refer themselves to their own government for instructions; and the contracting parties will, in such case, within six months after notice of such reference shall have been given, decide upon such arbitrator or umpire, and instruct their commissioners accordingly. If it shall happen, nevertheless, that at the expiration of the period of six months before named, no person, the head of a sovereign state or otherwise, has been agreed upon as arbitrator or umpire, then and in that case the commissioners on each side shall name a person, the head of a sovereign state or otherwise, as arbitrator or umpire. And in each and every case in which the commissioners shall not be able to come to a decision, they shall determine by lot which of any two persons so named shall be the arbitrator or umpire in that particular case, the person first so drawn by lot being regarded as the choice of the commissioners. The person or persons so to be chosen as arbitrator or umpire, if not the head of a sovereign state or nation, shall, before proceding to act as such in any case, make and subscribe a solemn declaration, in a form similiar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining or ceasing to act as such arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid."

Article II—Omit last paragraph.

Strike out Articles IV, V, and VI.

Article IX—Eighteen months instead of twelve.

Article XI—Amend as before proposed.

Thornton concurs in expediency of signing here. If signed here, all three protocols go to the Senate January 5.

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

[For the protocol as amended by the above telegram, see inclosure to dispatch from Mr. Seward to Mr. Johnson, No. 47, November 27, 1868, *ante.*]

Mr. Johnson to Mr. Seward.

No. 86.] LEGATION OF THE UNITED STATES,
London, December 23, 1868.

SIR: After deciphering (and, as I believe, correctly) your cipher cable dispatch of the 20th, received on the 21st instant, at 12.20 noon, I had an interview with Lord Clarendon at his house, on yesterday morning. I found that he had received by cable a dispatch, substantially the same, from Mr. Thornton. After an interview which lasted an hour, I left him under the impression that he would agree substantially to that part of the amendment suggested by you to the first article of the convention signed by Lord Stanley and myself on the 10th of November, which provides that for the paragraph you quote there be substituted the following:

"In the case of any and every claim, the arbitrator or umpire may be

the head of a friendly sovereign state or nation. In naming or agreeing upon an arbitrator or umpire, the commissioners on each side may refer themselves to their own governments for instructions, and the contracting parties will in such case, within six months after notice of such reference shall have been given, decide upon such arbitrator or umpire, and instruct their commissioners accordingly."

But he strongly objects, and I do not believe that he will yield the objection, to that portion of your proposed amendment which provides that "If it shall happen, nevertheless, that at the expiration of the period of six months before named no person, the head of a sovereign state or otherwise, has been agreed upon as arbitrator or umpire, then and in that case the commissioners on each side shall name a person, the head of a sovereign state or otherwise," &c. The grounds of his objections are, first, that it would be to call in question the good faith of the two governments to suppose that if the choice of an arbitrator was referred to them in the manner suggested in the first part of your amendment, they would not agree upon one; and, second, that the commissioners being authorized to appoint as arbitrator the head of a foreign state, he thinks, and he is probably right, would be deemed so discourteous that no head of a foreign government so selected would agree to serve. His lordship's long diplomatic experience gives to his opinions upon all such subjects great weight. I have no doubt that the contingent provision you suggest is altogether unnecessary, as I am satisfied that his lordship and yourself would very promptly agree upon an arbitrator.

The other amendments you propose I believe he will agree to, except that of changing the convention into a protocol, and the signing it in Washington instead of London.

In order to make the obligation of the two governments to appoint an arbitrator, if the appointment is referred to them, the more absolute, I suggested to his lordship, and he concurred in it, the insertion of the words "shall and" before the word "will," in that part of your amendment, so as to make it read thus: "The contracting parties shall and will in such case, within six months," &c., make the appointment. It cannot for a moment be believed that if this be done, either government would hesitate to comply with so imperative a stipulation.

If upon further reflection, with these objections of Lord Clarendon before you, you agree to waive that part of your amendment to which they refer, it is very advisable that you telegraph to me at once, as I think that will enable me to bring the negotiation to a speedy and satisfactory termination.

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

No. 87.] LEGATION OF THE UNITED STATES,
London, December 24, 1868.

SIR: I have just had another interview by appointment with Lord Clarendon, at his house, upon the subject of the claims convention. Having before left with him a copy of the amendment proposed in your last cipher telegram as a substitute for the fourth and the other articles of

the convention signed by Lord Stanley and myself relative to the Alabama claims, he told me that he brought it before the cabinet at a meeting at which all the members were present on Tuesday last, and that the result was this: They refuse to convert the convention into a protocol, and to have it signed at Washington instead of London. They think that this would be disrespectful to the late government, and wholly unnecessary. They concurred with his lordship in thinking that the provision in your amendment which looks to the contingency that the two governments might not agree upon the head of some foreign friendly nation as an arbitrator, if the appointment was referred to them, would be to call in question their good faith; and also concurred with him that the appointment of such an arbitrator by the commissioners would be esteemed so discourteous that no head of a foreign government so appointed would consent to act, and that thereby the convention would be rendered futile.

He gave me reason to understand that all the other amendments proposed by you would be adopted, and that they would also agree so to modify the signed convention as to clear it of the objections stated in your dispatch to me, No. 47, of the 27th of November, to the provisions it contains that they discriminate between the Alabama claims and the other claims to the disadvantage of the Alabama. This I understand will be proposed by a stipulation which shall provide that if, in the case of any claim by either government upon the other, the commissioners, or any two of them, shall desire to have the question of liability referred to the head of a friendly foreign state, the two governments, when so advised, will agree to select such an arbitrator.

He told me that the cabinet was unanimous that a provision of this kind would be no departure from the convention of February, 1853, but, on the contrary, almost a literal compliance with it, and that they hoped that you upon reflection would agree in this view.

His lordship also informed me that he proposed to send by the mail which will take this, a dispatch to Mr. Thornton, in which he would discuss the entire subject, and which of course Mr. Thornton will be authorized to lay before you. I am perfectly satisfied that every member of the cabinet is most anxious to bring the controversy in regard to the Alabama claims to a satisfactory termination, and I trust therefore that you will be able to concur substantially in the propositions which will be made in the dispatch to Mr. Thornton.

I can get the Alabama claims specifically mentioned as among the claims to be submitted to the commissioners, and this I think most important.

Referring you to Lord Clarendon's note to Mr. Thornton, I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Communicated by the British minister.]

The Earl of Clarendon to Mr. Thornton.

No. 9.] FOREIGN OFFICE, *December* 24, 1868.

SIR: Her Majesty's government, since their accession to office, have had before them your telegrams of the 26th and 30th of November, your

dispatch No. 350, of the 30th of November, and your final telegram of the 21st of December, respecting the convention for the settlement of outstanding claims, signed by my predecessor and Mr. Johnson on the 10th of November. Mr. Johnson has also placed in my hands a telegram which he received on the same day, and which, with the exception of a passage in which it is said, "in the case of any and every claim the arbitrator or umpire may be the head of a friendly foreign state or nation," is identical with yours of the 21st instant.

It is therefore with this last telegram that her Majesty's government are especially called upon to deal; but before adverting to it, I must observe that her Majesty's government understand that Mr. Seward's objection to the convention, signed by my predecessor and Mr. Johnson, turns chiefly on the distinction made in that convention between general claims and the so-called "Alabama claims."

Mr. Seward desires to expunge from the convention the passages that relate to those claims, and to leave them to be dealt with on the same footing as other claims. The passages thus proposed to be expunged are, the last paragraph of Article II, and Articles IV, V, and VI of the convention.

Mr. Seward, anticipating a difficulty that might be raised by her Majesty's government to submitting to the arbitration of any private individual who might be selected as arbitrator or umpire by the commissioners, questions of principle such as would arise in the consideration of the Alabama claims, now proposes to insert in Article I of the convention passages which should admit generally of reference to a foreign sovereign or state of any such questions arising out of any claims whatever. By such a process provision would be made, though in a more comprehensive form, for the reference of the Alabama claims, in case of need, to the arbitration of a foreign sovereign or state, which was contemplated in Articles IV and VI of the signed convention.

Mr. Seward further desires that the convention should be made to resemble as closely as possible the convention of 1853, as being more likely in that shape to be acceptable to the Senate of the United States.

Her Majesty's government, after full consideration of the matter, and being no less desirous than their predecessors and Mr. Seward himself to come to a settlement on the difficult and complicated questions of mutual claims, are prepared to meet the wishes of the government of the United States in the manner which I will now explain to you.

They agree with Mr. Seward that it is desirable to adopt as closely as possible the terms of the convention of 1853.

They also agree to expunge the last paragraph of Article II, and also Articles IV and VI, of the signed convention, which relate specifically to the "Alabama claims," but they think that with a slight alteration, to be presently explained, it would be desirable to retain the terms of Article V, though not embodied in a distinct article.

They further agree in the principle involved in Mr. Seward's proposed insertion in Article I, under which reference to the decision of a friendly sovereign or state would be admissible in certain cases.

It appears, however, to her Majesty's government, that besides involving a very wide departure from the terms of the same article in the convention of 1853, the proposed insertion would render the article obscure and complicated, difficult of construction, and still more difficult in operation, and would tend to protract almost indefinitely the labors of the commission.

Her Majesty's government fully concur in the necessity of providing in the convention for a more solemn arbitration where questions of prin-

ciple, in which the commissioners cannot agree, are involved, than could be expected from any private individuals selected by the commissioners. Such questions may arise not only in regard to the "Alabama claims," but in regard to many others classes of claims which may be brought before the commissioners, and it seems to her Majesty's government highly important that such questions should be decided by the arbitration of a foreign sovereign or state, inasmuch as they will turn on points of international law, comity, or equity, in the consideration of which a foreign sovereign or head of a state may call to his assistance the learning and intelligence of any of their subjects who have made such matters their especial study

But it seems to her Majesty's government that it would scarcely be courteous to any sovereign or head of a friendly foreign state, in default of the two governments agreeing within six months as to whom reference should be made, to leave to the commissioners to select him. Such selection could only rightly be made by the two governments themselves as being co-ordinate in rank and dignity, and therefore fitting applicants for the good offices of one of their compeers; while on the other hand, for the reasons that I have stated, the question on which the commissioners may be at issue can only be satisfactorily determined by a friendly foreign sovereign or state.

Her Majesty's government do not anticipate that any difficulty need arise between the two governments in selecting an arbiter of that class. No such difficulty was felt in the corresponding case of the convention of 1827 respecting the northwest boundary when the King of the Netherlands was agreed upon by the British secretary of state and the United States minister in London.

Her Majesty's government observe, moreover, that in Mr. Seward's proposed insertion no allusion is made to the production before the commissioners or arbitrator of the official correspondence which may have taken place between the two governments respecting any claims. This they conclude to be an oversight; but if not, her Majesty's government would not be disposed to insist upon it.

They observe further, that no provision is made for accepting the decision of the arbitrator whether chosen by the commissioners or chosen by the governments, as ruling not only the specific claim submitted to him, but all other claims of the same class. Her Majesty's government think it very essential that some such provision should be made, as otherwise the same principle may be submitted to arbitration over and over again, and so the sittings of the commissioners might be indefinitely prolonged. Bearing all these considerations in mind her Majesty's government have framed a fresh draught of convention which I now inclose, and which I have to instruct you to submit to Mr. Seward, together with a copy of this dispatch.

This draught has been framed on the principle of adhering as closely as possible to the terms of the convention of 1853.

Thus the first article, with the exception of the introduction of the words "by and with the advice and consent of the Senate," and the substitution of "Washington" for "London," nearly textually reproduces the same article of the treaty of 1853.

The second article has necessarily been altered to meet the special requirements of the present case. The proposed alterations up to the end of the third paragraph are printed in italics, so that they may be more easily distinguished. The reasons for proposing them are already explained.

After the third paragraph a paragraph has been introduced varying

but slightly from the fifth article of the signed convention. It seems necessary to adopt this provision to meet the case of the principle of a claim being decided by an arbitrator leaving to the commissioners and the general arbiter named by them to determine, if the case arises, the amount of compensation payable to the claimant.

After the before-mentioned paragraph is inserted the penultimate paragraph of the signed convention as well as articles VII and VIII of the same.

Drawn in this shape Article II will, except as regards the passages inserted in italics and the fourth paragraph, nearly textually reproduce the corresponding article of the convention of 1853.

The remaining slight alterations in Articles IX and XI of the signed convention are adopted.

It remains for me to say that her Majesty's government prefer the form of convention to that of protocol as calculated to lead to an earlier settlement of the preliminary discussion between the two governments. If a protocol were adopted in the first instance, its provisions would not be operative until it were embodied in a convention; and the arrangement would require, as her Majesty's government understand the matter, to be twice submitted to the Senate for assent, whereby much time would be lost, with all the inconvenience of keeping open a question which necessarily attracts much attention, and of deferring the adjudication on claims, in the early settlement of which so many subjects and citizens of the two countries are deeply interested.

I have only to add that if the inclosed draught is accepted by Mr. Seward, Mr. Johnson might be authorized by telegraph to sign it, in which case it might be returned to Washington so as to admit of its being laid before the Senate by the middle of January, and pronounced upon by that body before the rising of the Congress on the 4th of March.

Her Majesty's government will greatly rejoice if their first interchange of communications with the government of the United States should be attended with a settlement of the complicated matters which form the subject of my present dispatch.

I am, &c.,

CLARENDON.

EDWARD THORNTON, Esq., C. B., &c., &c., &c.

MEMORANDUM.

The following version of the draught of convention represents the draught above referred together with Mr. Seward's amendments to the same. All words in italics, whether in parentheses or not, are amendments by Lord Clarendon. Words between parentheses, whether in italics or not, are expunged by Mr. Seward. Words between brackets are added by Mr. Seward. Mr. Johnson was instructed, in regard to the amendments made by Mr. Seward, by telegram, January 11, and by dispatch No. 59, of the 12th of January, 1869.

Draught of convention between Great Britain and the United States of America for the settlement of all outstanding claims.

DECEMBER 22, 1868.

Whereas claims have at various times since the exchange of the ratifications of the convention between Great Britain and the United States of America, signed at London on the 8th of February, 1853, been made upon the government of her Britannic Majesty on the part of the citi-

zens of the United States and upon the government of the United States on the part of subjects of her Britannic Majesty; and whereas some of such claims are still pending and remain unsettled, her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangement for that purpose by means of a convention, and have named as their plenipotentiaries to confer and agree thereupon, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Edward Henry Stanley, commonly called Lord Stanley, a member of her Britannic Majesty's most honorable privy council, a member of Parliament, her principal secretary of state for foreign affairs; and the President of the United States of America, Reverdy Johnson, esquire, envoy extraordinary and minister plenipotentiary from the United States to her Britannic Majesty; who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

Article I.

The high contracting parties agree that all claims on the part of subjects of her Britannic Majesty upon the government of the United States and all claims on the part of citizens of the United States upon the government of her Britannic Majesty, [including the so-called Alabama claims,] which may have been presented to either government for its interposition with the other since the 26th of July, 1853, the day of the exchange of the ratifications of the convention concluded between Great Britain and the United States of America, at London, on the 8th day of February, 1853, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article III of this convention, whether or not arising out of the late civil war in the United States, shall be referred to four commissioners, to be appointed in the following manner, that is to say: Two commissioners shall be named by her Britannic Majesty, and two by the President of the United States, *by and with the advice and consent of the Senate.* In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, her Britannic Majesty, or the President of the United States, as the case may be, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners so named shall meet at *Washington* at the earliest convenient period after they shall have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the governments of her Britannic Majesty and of the United States, respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some person to act as an arbitrator or umpire, to whose final decision shall be referred any claim upon which they may not be able to come to a decision. If they should not be able to agree upon an arbitrator or umpire the commissioners on either side shall name a

person as arbitrator or umpire; and in each and every case in which the commissioners may not be able to come to a decision the commissioners shall determine by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen as arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining or ceasing to act as such arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid.

ARTICLE II.

The commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. *The official correspondence which has taken place between the two governments respecting any claims shall be laid before the commissioners, and* they shall, *moreover*, be bound to receive and peruse all *other* written documents or statements which may be presented to them by or on behalf of the respective governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each government, as counsel or agent for such government, on each and every separate claim. Should they fail to decide by a majority upon any individual claim they shall call to their assistance the arbitrator or umpire whom they may have agreed upon, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined *the official correspondence which has taken place between the two governments, and* the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal.

(If, however it shall appear to the commissioners, or any two of them, that, from the nature of any particular claim in regard to which they may have been unable to come to a decision, it is desirable that a special arbitrator or umpire shall be named, to whose decision such claim shall be referred,) [Nevertheless, if the commissioners, or any two of them, shall think it desirable that a sovereign or head of a friendly state should be arbitrator or umpire in case of any claim,] *the commissioners shall report to that effect to their respective governments, who shall thereupon, within six months, agree upon some sovereign or head of a friendly state, who shall be invited to decide upon such claim, and before whom shall be laid the official correspondence which has taken place between the two governments, and the other written documents or statements which may have been presented to the commissioners in respect of such claims.*

The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively and dated. *(The decision of the arbitrator or umpire on any particular claim so referred to him shall rule any other claims of the same class.)*

In the event of a decision involving a question of compensation to be paid being arrived at by a special arbitrator or umpire, the amount of

such compensation shall be referred back to the commissioners for adjudication; and in the event of their not being able to come to a decision, it shall then be decided by the arbiter or umpire appointed by them, or who shall have been determined by lot.

It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America hereby solemnly and sincerely engage to consider the decision of the commissioners, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each of such claims decided upon by him or them respectively, and to give full effect to such decision without any objection or delay whatsoever.

It is agreed that no claim arising out of any transaction of a date prior to the 26th of July, 1853, the day of the exchange of the ratifications of the convention of the 8th of February, 1853, shall be admissible under this convention.

Article III.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire, in the event of the commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the commissioners, or for the arbitrator or umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

All sums of money which may be awarded by the commissioners or by the arbitrator or umpire on account of any claim, shall be paid in coin, or its equivalent, by the one government to the other, as the case may be, within *eighteen* months after the date of the decision, without interest.

Article V.

The high contracting parties engage to consider the result of the proceedings of this commission as a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled and barred, *and thenceforth inadmissible.*

ARTICLE VI.

The commissioners *and the arbitrator or umpire appointed by them* shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and shall appoint and employ clerks, or other persons, to assist them in the transaction of the business which may come before them.

The secretary shall be appointed by her Britannic Majesty's representative at Washington, and by the Secretary of State of the United States, jointly.

Each government shall pay the salaries of its own commissioners. All other expenses, and the contingent expenses of the commission, including the salary of the secretary, shall be defrayed in moieties by the two parties.

ARTICLE VII.

The present convention shall be ratified by her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at London the —— day of ——, in the year of our Lord one thousand eight hundred and sixty ——.

Mr. Seward to Mr. Johnson.

No. 56.] DEPARTMENT OF STATE,
Washington, December 31, 1868.

SIR: Your dispatch of the 16th of December, No. 80, which concerns the negotiations upon claims, is before me. The telegraphic correspondence between yourself and the department which has intervened has superseded the necessity for replying to your present communication. We are now awaiting your answer to my telegraphic instruction of the 20th instant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Johnson.

No. 58.] DEPARTMENT OF STATE,
Washington, January 2, 1869.

SIR: Your dispatch of the 19th of December last, No. 82, has been received. In that paper you express an opinion that it would not be proper to proceed further with the negotiation in relation to the claims convention until you should have received an answer to your cable cipher of the 18th of that month. You observe, further, that if the suggestion which was contained in that cable dispatch of a new article in lieu of the 4th, 5th, and 6th articles of the convention, signed by Lord Stanley and yourself, should be approved, that in that case you apprehend no

difficulty in bringing the matter to a speedy and satisfactory conclusion. You assure me, further, that at the moment when you shall hear from me by cable you will renew the negotiation and, if necessary, advise me of its progress by the same mode.

An answer to your cable dispatch which I have thus mentioned was transmitted by telegraph, under the President's direction, on the 20th of December. In that answer I submitted some modification of the suggestion which you had made, of such a character as to make it at once more definite and more accordant with the views which prevail in this government. No reply to that answer has yet been received by cable or otherwise. On the other hand, Mr. Thornton confidentially informs me that on the 25th of December he received a dispatch from Lord Clarendon, in which he stated that he would, on the next day, transmit to Mr. Thornton, by mail, a power and a draught of a convention which he trusted would be satisfactory to the United States.

I do not doubt that this proceeding on the part of Lord Clarendon is based upon the renewal of the negotiations which you promised, and that in withholding information of it from the cable you have been governed by prudential considerations, which are easily conceived. I have to thank you for the perseverance and fidelity with which you have attended to the instructions of this department.

We await now the arrival of Lord Clarendon's promised communication, which may be expected the next week.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Johnson to Mr. Seward.

No. 96.] LEGATION OF THE UNITED STATES,
London, January 9, 1869.

SIR: Until I hear from you to my dispatches Nos. 86 and 87, of the dates respectively of the 23d and 24th of December, I can make no further progress with the claims question. If your reply shall substantially comply with the suggestions of Lord Clarendon as to the mode of settling the Alabama claims, I have no doubt that I shall be able to conclude an arrangement which will be satisfactory to the President and yourself and the Senate, at so early a day that the controversy may be finally closed during the present session of Congress.

Awaiting your next dispatches upon the subject, I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, January 11, 1869.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.:*

Clarendon's draught considered. Article I, sixth line after "Majesty" insert "including the so-called Alabama claims."

Article II, substitute "Nevertheless, if the commissioners, or any two of them, shall think it desirable that a sovereign or head of a friendly state should be arbitrator or umpire in case of any claims," for the words in the six first lines, second paragraph.

Article II, third paragraph, strike out the new italicized provision; superfluous and tends to cavil. Residue of draught convention is satisfactory.

If Clarendon agrees he ought telegraph Thornton to sign, or you sign immediately. Same as to San Juan convention, which is satisfactory. Sign in both cases or let both matters be sent here, and telegraph so both conventions or agreed copies go to the Senate immediately.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Johnson.

No. 59.] DEPARTMENT OF STATE,
Washington, January 12, 1869.

SIR: Owing to the delay of the steamer your dispatches of the 23d of December, No. 86, and 24th of December, No. 87, both of which relate to the claims convention, did not reach the department until yesterday, the 11th instant. At the same time Mr. Thornton placed in my hands a copy of a dispatch* which Lord Clarendon addressed to him on the same subject on the 24th of December. The President's directions were immediately taken upon the subject and the result was announced to you last night by a telegraphic dispatch,† a copy of which is hereunto appended. For manifest reasons the propositions submitted by me in that cable dispatch were almost entirely unaccompanied by argument or explanation. On the other hand it is expected and hoped that her Majesty's government will give us their reply by cable before this or any other communication from this department transmitted by the mail can reach your legation. If that expectation shall be realized, what I now write will be useful only for ultimate reference.

We have adopted the draught of convention between Great Britain and the United States of America for the settlement of all outstanding claims, which has been submitted to us in a printed paper by her Majesty's government, under the date of the 22d of December, with some suggested amendments on our part, which do not materially change the character of that plan, as the plan itself does not in absolutely essential particulars vary from the projet which was submitted by me in my telegraphic dispatch of the 20th of December last.

The first of these amendments consists in inserting in the first article an express recognition of the so-called Alabama claims in the definition of claims which are to be settled by the convention. This amendment simply proposes to guard against a possible ground of cavil, which, however unreasonable, might be used to excite distrust of the convention.

The second amendment proposed consists in striking out in the second paragraph of Article II these words: "If, however, it shall appear to the commissioners, or any two of them, that, from the nature of any particular claim in regard to which they may have been unable to come to a decision, it is desirable that a special arbitrator or umpire shall be named, to whose decision such claim shall be referred," and insert in

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* See Lord Clarendon's dispatch to Mr. Thornton of December 24, 1868, and its accompaniment, the protocol, which is amended by this instruction, *ante*.

† For inclosure see dispatch next preceding this.

lieu thereof these words: "Nevertheless, if the commissioners, or any two of them, shall think it desirable that a sovereign or head of a friendly state should be arbitrator or umpire in case of any claim."

Thus amended the paragraph will read: "Nevertheless, if the commissioners, or any two of them, shall think it desirable that a sovereign or head of a friendly state should be arbitrator or umpire in case of any claim the commissioners shall report to that effect to their respective governments, who shall thereupon, within six months, agree upon some sovereign or head of a friendly state, who shall be invited to decide upon such claim, and before whom shall be laid the official correspondence which has taken place between the two governments, and the other written documents or statements which may have been presented to the commissioners in respect of such claims."

The reasons for this proposed amendment are that the phraseology, being more general, is less open to adverse criticism, insomuch as the amendment avoids all allusion to claims of any special or distinct class, and avoids the description of the arbitrator or umpire, when he is the sovereign or head of a friendly state, as a special arbitrator or umpire.

Lord Clarendon's argument against the provision which I have heretofore proposed for an alternative designation of the arbitrator or umpire, in case the two governments shall fail to agree within six months, is not satisfactory; because, without some such provision, the convention may possibly fail of effect after its ratification. On the other hand, we deem the convention in the form which we have now accepted it more satisfactory than an entire failure of the negotiation.

The only further amendment which we have proposed is to strike out Lord Clarendon's new proposition at the close of the third paragraph of Article II, which is contained in the words, "The decision of the arbitrator or umpire on any particular claim so referred to him shall rule any other claims of the same class."

This provision is deemed superfluous because there can be no reasonable ground to apprehend that an umpire who should have fairly and fully considered and decided a claim upon its merits, would make a contrary decision upon another claim of precisely the same character and merits. The provision would open the ground for cavil that one claim might be prejudiced by previous decision of the umpire made upon another claim materially dissimilar in character and merits.

I trust it is hardly necessary to say, at this late stage of the negotiation, that in my opinion the success of the convention depends not exclusively upon the nature of its provisions, but depends very much also upon the tone, temper, and spirit which pervade it.

The project which Lord Clarendon has submitted, of alterations and additions to convert the protocol on the subject of the San Juan question into a treaty, has been considered and is accepted.

In case of Lord Clarendon's agreement to our present propositions on the claims convention, you are then authorized to sign the two conventions, and announce that fact to me by telegraph, or to assure Lord Clarendon that they will be promptly signed here if instructions shall be given to Mr. Thornton for that purpose. Our object is to submit these two conventions, either the originals or copies, together with the naturalization protocol, to the Senate of the United States as soon as the two former shall be completed, and all at one and the same time.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Seward.

[Telegram per cable.—Extract.]

LEGATION OF THE UNITED STATES,
London, January 12, 1869.

Hon. WILLIAM H. SEWARD,
Secretary of State:

Telegram received. Have since intelligence from Clarendon, and think all will be right. * * * * * *

REVERDY JOHNSON.

Mr. Johnson to Mr. Seward.

No. 98.] LEGATION OF THE UNITED STATES,
London, January 13, 1869.

SIR: My reply by cable to your cable dispatch of the 11th instant, (which you have no doubt received,) advised you that I thought that Lord Clarendon would agree to the amendments to the claims convention which you suggest. This impression is now strengthened by his having sent to me a draught of the convention with such amendments inserted.

But as the prime minister is not in London, and his lordship can only finally act upon the subject after consultation with him, the negotiation must await that event. He tells me, however, that this will only cause a delay of a day or two, and that he hopes to be able to close the matter in time to transmit the convention by the mail of Saturday next, the 16th instant.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, January 14, 1869.

REVERDY JOHNSON, Esq., &c., &c., &c.:

Give us at once dates of both conventions signed, so that we may complete copies for the Senate.

WILLIAM H. SEWARD.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, January 14, 1869.

Hon. WILLIAM H. SEWARD,
Secretary of State:

Convention signed as instructed. Go Saturday.

REVERDY JOHNSON.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, January 15, 1869.

Hon. WILLIAM H. SEWARD,
Secretary of State:

Both conventions signed yesterday, 14th instant. When ratified, telegraph.

REVERDY JOHNSON.

Mr. Johnson to Mr. Seward.

[Extract.]

No. 100.] LEGATION OF THE UNITED STATES,
London, January 15, 1869.

SIR: My cable dispatches of yesterday and to-day have advised you that Lord Clarendon and myself have signed a convention for the settlement by arbitration of the northwest boundary controversy, and another for the adjustment by commission and arbitration of the claims controversy, especially including the class known as the Alabama claims. They were both signed at the foreign office yesterday, the 14th instant, between two and three o'clock p. m. I forward them with this dispatch.

* * * * * * *

In regard to the claims convention, all that it is necessary for me to state is that it accords exactly with the instructions contained in your cable dispatch of the 11th of January. That my reading of that dispatch was correct I was confirmed in by a dispatch from Mr. Thornton of the same date, which his lordship was kind enough to let me see.

As this convention does not at all differ from the convention of the 8th of February, 1853, except that it particularly mentions the Alabama class of claims as included within its provisions, I take for granted that it will meet the approval of the President and the Senate.

The operation of the convention of the 8th of February, 1853, was a just and satisfactory adjustment of all the then existing claims which the citizens of either government had upon the other. As far as an opinion can be formed on such a subject in advance, I have no doubt that the Alabama claims will be realized under this convention.

This government has yielded, in regard to these claims, two grounds heretofore positively assumed by them. First, during the period that Lord Russell was in the foreign office, that they would not refer to arbitration at all our demand in regard to them; and second, during the administration of that office by Lord Stanley, that they would not so refer the question of the right of this government to have recognized the late confederates as belligerents. Both questions, by the conventions just signed, will be before the commissioners, and, on their failure to agree, before the arbitrator.

I have reason to believe that the abandonment of the grounds originally taken, to which I have referred, has been owing, in a great measure, to the growing friendly feeling for the United States, which has been so strongly exhibited since my arrival in this country. Anticipating that that would be its effect, I determined to lose no time in cultivating such

a feeling, whilst never forgetting scrupulously to regard the rights and honor of our country. This has been my sole motive in the speeches which I have delivered since reaching England.

The existence of such a feeling I also deemed essential to the interest of both countries.

It is proper that I should add, in conclusion, that both Lord Stanley and Lord Clarendon yielded a very ready and cheerful assent to our proposition to submit all the questions involved in the Alabama claims, not even having expressed a desire during the negotiations to exclude any one of them; and in this I am satisfied (as they must be) that they but conformed to the public sentiment of the nation and to their own wishes.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Convention between Great Britain and the United States of America for the settlement of all outstanding claims.—Signed at London, January 14, 1869.

Whereas claims have, at various times since the exchange of the ratifications of the convention between the United States of America and Great Britain, signed at London on the 8th of February, 1853, been made upon the government of the United States on the part of subjects of her Britannic Majesty, and upon the government of her Britannic Majesty on the part of citizens of the United States; and whereas some of such claims are still pending and remain unsettled, the President of the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States of America, Reverdy Johnson, esq., envoy extraordinary and minister plenipotentiary from the United States to her Britannic Majesty;

And her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a peer of the United Kingdom, a member of her Britannic Majesty's most honorable privy council, knight of the most noble Order of the Garter, knight Grand Cross of the most honorable Order of the Bath, her Britannic Majesty's principal secretary of state for foreign affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree that all claims on the part of citizens of the United States upon the government of her Britannic Majesty, including the so-called Alabama claims, and all claims on the part of subjects of her Britannic Majesty upon the government of the

United States, which may have been presented to either government for its interposition with the other since the 26th of July, 1853, the day of the exchange of the ratifications of the convention concluded between the United States of America and Great Britain, at London, on the 8th of February, 1853, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article III of this convention, whether or not arising out of the late civil war in the United States, shall be referred to four commissioners, to be appointed in the following manner, that is to say: two commissioners shall be named by the President of the United States, by and with the advice and consent of the Senate, and two by her Britannic Majesty. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting, or declining, or ceasing to act as such, the President of the United States, or her Britannic Majesty, as the case may be, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

The commissioners so named shall meet at Washington at the earliest convenient period after they shall have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the governments of the United States and of her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some person to act as an arbitrator or umpire, to whose final decision shall be referred any claim upon which they may not be able to come to a decision. If they should not be able to agree upon an arbitrator or umpire, the commissioners on either side shall name a person as arbitrator or umpire; and in each and every case in which the commissioners may not be able to come to a decision, the commissioners shall determine by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen as arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such arbitrator or umpire, another person shall be named, in the same manner as the person originally named, to act as arbitrator or umpire in his place and stead, and shall make and subscribe such declaration as aforesaid.

Article II.

The commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. The official correspondence which has taken place between the two governments respecting any claims shall be laid before the commissioners, and they shall, moreover, be bound to receive and peruse all other written documents or statements which may be presented to them by or on behalf of the respective governments, in support of or in answer to any claim,

and to hear, if required, one person on each side on behalf of each government, as counsel or agent for such government, on each and every separate claim. Should they fail to decide by a majority upon any individual claim, they shall call to their assistance the arbitrator or umpire whom they may have agreed upon, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined the official correspondence which has taken place between the two governments, and the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal.

Nevertheless, if the commissioners, or any two of them, shall think it desirable that a sovereign or head of a friendly state should be arbitrator or umpire in case of any claim, the commissioners shall report to that effect to their respective governments, who shall thereupon, within six months, agree upon some sovereign or head of a friendly state, who shall be invited to decide upon such claim, and before whom shall be laid the official correspondence which has taken place between the two governments, and the other written documents or statements which may have been presented to the commissioners in respect of such claims.

The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively, and dated.

In the event of a decision involving a question of compensation to be paid, being arrived at by a special arbitrator or umpire, the amount of such compensation shall be referred back to the commissioners for adjudication; and in the event of their not being able to come to a decision, it shall then be decided by the arbitrator or umpire appointed by them, or who shall have been determined by lot.

It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States of America, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, hereby solemnly and sincerely engage to consider the decision of the commissioners, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each of such claims decided upon by him or them respectively, and to give full effect to such decision without any objection or delay whatsoever.

It is agreed that no claim arising out of any transaction of a date prior to the 26th of July, 1853, the day of the exchange of the ratifications of the convention of the 8th of February, 1853, shall be admissible under this convention.

Article III.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire in the event of the commissioners differing in opinion thereupon; and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every

claim within two years from the day of their first meeting. It shall be competent for the commissioners, or for the arbitrator or umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred, or laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this convention.

Article IV.

All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid in coin or its equivalent by the one government to the other, as the case may be, within eighteen months after the date of the decision, without interest.

Article V.

The high contracting parties engage to consider the result of the proceedings of this commission as a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled and barred, and thenceforth inadmissible.

Article VI.

The commissioners and the arbitrator or umpire appointed by them shall keep an accurate record and correct minutes or notes of all their proceedings with the dates thereof, and shall appoint and employ clerks or other persons to assist them in the transaction of the business which may come before them.

The secretary shall be appointed by the Secretary of State of the United States and by her Britannic Majesty's representative at Washington, jointly.

Each government shall pay the salaries of its own commissioners. All other expenses, and the contingent expenses of the commission, including the salary of the secretary, shall be defrayed in moieties by the two parties.

Article VIII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof, the respective plenepotentiares have signed the same, and have affixed thereto their respective seals.

Done at London, the fourteenth day of January, in the year of our Lord one thousand eight hundred and sixty nine.

[SEAL.] REVERDY JOHNSON.
[SEAL.] CLARENDON.

[From British Blue Book, "North America," No. 1, 1869, p. 35.]

No. 26.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *January* 16, 1869.

SIR: Her Majesty's government having accepted the alterations proposed by Mr. Seward in the convention for the settlement of British and American claims, as stated in your telegraphic dispatch of the 11th instant, I signed with Mr. Johnson that convention on the 14th instant, as well as a convention for referring to arbitration the disputed line of water-boundary under the treaty of 1846.

Copies of these conventions are inclosed.

I am, &c.,

CLARENDON.

[For Claims Convention see inclosure to dispatch from Mr. Johnson to Mr. Seward, No. 100, January 15, 1869, *ante*.]

[From British Blue Book, "North America," No. 1, 1869, p. 41.]

No. 27.

Mr. Thornton to the Earl of Clarendon.

WASHINGTON, *January* 18, 1869.

MY LORD: I have the honor to inform your lordship that copies of the proctocol on naturalization, of the convention on claims, and of that with regard to the San Juan question, lately concluded between England and the United States, have been officially communicated to the Senate by the President of the United States. No action has as yet been taken upon them by that body.

I am, &c.,

EDWD. THORNTON.

Mr. Seward to Mr. Johnson.

No. 64.] DEPARTMENT OF STATE,
Washington, January 20, 1869.

SIR: Your dispatch of the 9th of January, No. 96, was received. It relates to matters which, at the time of its date, were involved in the negotiations then pending for the settlement of the San Juan question and mutual claims. The necessity for a special reply has been superseded by subsequent events. On the 14th of January instant, a telegram was received from you which announced that the claims convention and the San Juan convention had been signed on that day at London. From materials which were remaining in our archives we were enabled to prepare a copy of each of those conventions. These copies, together with the naturalization proctocol, were, on the 15th instant, submitted by the President to the Senate of the United States for their constitutional consideration.

It remains for me now only to convey to you the assurance of the President's high satisfaction with the manner in which you have conducted these important negotiations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Seward.

No. 105.] LEGATION OF THE UNITED STATES,
London, January 25, 1869.

SIR: I had the honor to receive on yesterday your dispatch No. 59, of the 12th instant.

As the subjects to which it relates have been adjusted as far as my instructions extend, I have no occasion to do more than to admit the receipt of the dispatch.

The two conventions, signed on the 14th instant, were communicated with my dispatch No. 100, of the 15th of the same month, and will, I hope, be in your possession before the receipt of this communication. I desire to have the earliest information you can forward as to the action of the Senate in regard to them, and remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

No. 68.] DEPARTMENT OF STATE,
Washington, January 30, 1869.

SIR: Your dispatch of the 15th of January, No. 100, has been received, together with the originals of the two conventions which you have concluded, the one for the settlement by arbitration of the northwest boundary controversy, and the other for the adjustment by commission and arbitration of the claims controversy, especially including the class known as the Alabama claims.

You have already been advised of the President's approval of your proceedings in concluding those conventions. They are found to vary only in particulars merely verbal and unimportant from the copies of them which have been submitted to the Senate. The original convention will now be promptly laid before the Senate, together with the dispatch hereby acknowledged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Seward.

[Extract.]

No. 106.] LEGATION OF THE UNITED STATES,
London, January 30, 1869.

SIR: * * * Nothing has occurred since I last wrote to you of any public interest, except the decision of the Paris conference,

recently held in that city. The particulars of that decision have not as yet, I believe, been disclosed; but, from what I understand them to be, they seem to me to rest upon the same grounds upon which we have placed the Alabama claims. If I am not mistaken in this, (and I do not think I am,) neither of the governments represented at that conference, if selected as an arbitrator under our convention of the 14th instant, could fail to award in favor of the United States; and, indeed, as England was herself represented, and no doubt concurred with the conference, she may be considered as agreeing to the justice of our demand.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From British Blue Book, "North America," No. 1, 1869, pp. 42–43.]

No. 30.

Mr. Thornton to the Earl of Clarendon.

WASHINGTON, *February* 1, 1869.

MY LORD: I have the honor to inform your lordship that on the 29th ultimo Mr. Sumner presented a petition to the Senate signed by George B. Upton, a merchant of Boston, relative to the claims convention lately signed by your lordship and Mr. Reverdy Johnson.

I have been unable as yet to obtain a copy of this petition, but I understand that Mr. Upton remonstrates against the ratification of the convention on account of the injustice which he asserts would thereby be done to himself and other claimants. He adds that he has higher objections to its confirmation: "That the so-called treaty proposes to put upon the same footing claims by British subjects which have arisen under a disagreement in regard to the ordinary forms of neutrality, and claims of our own citizens upon the British government for piracies committed by British-built, British-manned, and British-armed vessels; by vessels and armaments which left British ports under the protection of the British flag, and burned American ships, and your memorialist's among the number, upon the high seas, without taking them into port for condemnation, and without any action being taken on the part of the British government when these atrocities were laid before it to prevent the same."

I should observe that although the whole petition was not read to the Senate, Mr. Sumner quoted that part of it which I have transcribed, stating that that presented its substance.

He then moved that it should be referred to the Committee on Foreign Relations, which was agreed to.

I have, &c.,

EDWD. THORNTON.

P. S.—*February* 2.—I have just received a single copy of the above-mentioned petition from Boston, and have the honor to inclose it for your lordship's information.

E. T.

[Inclosure.]

Petition.

To the Honorable the Senate of the United States:

The undersigned, a citizen of the United States, respectfully memorializes and presents that he has read what purports to be a copy of a treaty between this country and Great Britain for the settlement of claims, and, among others, for a settlement of the so-called Alabama claims.

He respectfully remonstrates against the confirmation of the treaty, on account of the injustice which would thereby be done to himself and other claimants. It is therein proposed to allow each nation twelve months' time for a confirmation, and two years thereafter for the commission to sit, and after closing their labors, then, if anything is found to be due, that a further peried of eighteen months longer is allowed for payment, without interest. The mere statement of these points ought, perhaps, to settle the question of rejection. He, however, respectfully represents that he has higher objections to its confirmation.

This so-called treaty proposes to put upon the same footing claims by British subjects which have arisen under a disagreement in regard to the ordinary forms of neutrality, and claims of our own citizens upon the British government for piracies committed by British-built, British-manned, and British-armed vessels; by vessels and armaments which left British ports under the protection of the British flag, and burned American ships, and your memorialist's among the number, upon the high seas, without taking them into port for condemnation, and without any action being taken upon the part of said British government, when these atrocities were laid before it, to prevent the same; but, on the contrary, these pirates where everywhere received with rejoicing when visiting British ports, and when the notorious builder of one of them boasted of the same in the British Parliament, of which he was a member, he was received with cheers and expressions of satisfaction. This shows, in the opinion of your memorialists, the animus of the British government toward the government of the United States. He therefore respectfully protests, as an American citizen, against the confirmation of the treaty, and prays that this government will demand redress for its citizens, apart from all other claims, for the insults and injuries thus inflicted upon them and the country, through the willful negligence or with the open approval of the British government.

GEO. B. UPTON.

BOSTON, *January* 27, 1869.

Mr. Seward to Mr. Johnson.

No. 74.] DEPARTMENT OF STATE,
Washington, February 10, 1869.

SIR: Your dispatch of the 25th of January, No. 105, has been received. You ask for the earliest information which the department can give you of the action of the Senate upon the protocol and two conventions.

You are aware that the Senate sits with closed doors when considering executive business. It is generally said that the Senate has not yet taken either of the three contracts into consideration. Only three weeks of the term of the present Congress remains. The confused light of an incoming administration is already spreading itself over the country, as

usual rendering the consideration of political subjects irksome if not inconvenient. With your experience in legislative life you will be able to judge for yourself of the prospects of definitive action upon the treaties during the remainder of the present session.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Seward.

No. 112.] LEGATION OF THE UNITED STATES,
London, February 17, 1869.

SIR: The negotiations which resulted in the protocol on the subject of naturalization of the 9th of October last, and in the convention of the 14th of January last, for the settlement of the water boundary between the possessions of the United States and those of her Majesty's government, provided for by the first article of the treaty between the two countries of the 15th of June, 1846; and in the convention in relation to the claims, including the class known as the Alabama claims, of the same 14th January, were conducted by Lords Stanley and Clarendon and myself in personal interviews. I deem it, therefore, proper to state the motives which have influenced me in relation to these several subjects, and the grounds upon which I am satisfied that the arrangements are perfectly satisfactory and embrace all that our government has heretofore desired or can obtain.

Two of the matters in controversy, when I accepted this mission, had been of long duration. The first of them, involving the English doctrine of a perpetual allegiance, which could not, under any circumstances, be renounced by any native subject of this government, was coeval with the beginning of our government; and from that period until the signature of the protocol referred to, was uniformly acted upon by the political and judicial departments of Great Britain.

The second—what is called the San Juan boundary—Great Britain has uniformly maintained gave to her that island and all lying west of it. Our construction of the treaty of 1846 gives the island of San Juan and all west, with the exception of Vancouver's Island and a few diminutive islands in its immediate vicinity, to the United States.

This dispute more than once threatened to involve the two nations in war; a calamity which was only averted by an agreement made in March, 1860, to hold San Juan in joint occupancy.

The third involves still more serious difficulties. From the date of the ratification of the treaty of the 8th of February, 1853, up to the commencement of our late civil war, claims were made against either government by the subjects or citizens of the other for wrongs alleged to have been committed upon them respectively. During that war these claims greatly increased. This government insisted that the property of their subjects had been seized by the military and naval authorities of the United States, in violation of the law of nations, for which the United States were bound to furnish indemnity. On the other hand, the United States complained that this government had caused the destruction of the property of their citizens upon the ocean by a premature and unauthorized recognition of belligerent rights to the insurgents, as also by not preventing, as they might have done by reasonable diligence, a violation of their neutral obligations by the sub-

jects of her Majesty, in the fitting out of armed vessels to cruise, with known hostile intent, against the commercial marine of the United States; and by suffering such vessels afterwards, from time to time, to come into and obtain supplies in her colonial ports.

My special instructions were directed to these three controversies. When I arrived in this country her Majesty was on a visit to the continent, attended by her then secretary for foreign affairs, Lord Stanley. They did not return until September, and my first interview with Lord Stanley was on the 10th of that month, and I presented my letter of credence to her Majesty on the 14th of the same month. In the interval between my arrival in London, on the 17th of August, and the above dates, I had no opportunity of ascertaining what the opinion of this government was upon either of these controversies. I only knew that the doctrine of native allegiance had always been asserted and acted upon by their courts in every case where the question was presented on the trial of cases growing out of the disturbances in Ireland. I also only knew that this government had uniformly denied its responsibility for the losses sustained by our citizens from the piratical acts of the cruisers referred to, and that this determination was so decided a one that Lord Russell, when at the head of the Foreign Office, had refused even to agree to submit the question to any arbitration whatever.

In a dispatch from his lordship to Mr. Adams, dated the 30th of August, 1865, he states that her Majesty's government "declines either to make reparation and compensation for the captures made by the Alabama, *or to refer the question to any foreign state.*"

I further knew that Lord Stanley, although willing to submit to arbitration the question of responsibility arising from the alleged absence of proper diligence in preventing the sailing of the Alabama and other vessels, positively refused to submit the question, which our government deemed important, whether this government had not prematurely, and contrary to international law, recognized the insurgents as belligerents.

In this state of things I deemed it important to ascertain what the public sentiment of this country was upon these several topics, and with a view to have that sentiment as favorable to their amicable adjustment as we could wish, to cultivate, on every proper occasion which offered itself, the friendly feelings of her Majesty's subjects.

From the nature of this government the opinion of the country on every important point of policy or duty is sure in the end to be not only persuasive but controlling; and although the opinions of her Majesty's government remained as they had been, I believed that, should they find the sentiment of the country to be decidedly in favor of such an amicable adjustment as our government desired, they would cheerfully agree to it.

In order to obtain a clear manifestation of the public opinion on the subject of the Alabama claims, in answering an address made to me by a large association of influential men at Sheffield on the 4th of September, I said:

"If either wrongs the other, or suffers the other to be wronged, when it could have prevented it, it should not hesitate, when convinced of the error, to redress the consequences which may have resulted from it; and I have so much confidence in the enlightened judgment of your government and its love of justice, and I have like confidence in that of my own, that I feel convinced, if either commits such a wrong, it will, when satisfied of it, confess it and do whatever may be necessary to redress it."

That answer was not only received approvingly by the gentlemen to whom it was addressed, but was published with approbation by almost the entire press of the country. When, therefore, I commenced my nego-

tiations with Lord Stanley, I had the strongest hopes of being able to settle with him all the matters in controversy between the two countries. And this hope became an assurance at our first interview, as I found him as anxious for their settlement as I was.

As directed by your instructions, I addressed myself first to the question of naturalization.

The English doctrine is so wholly unfounded in reason that his lordship did not hesitate to abandon it. Growing out of a feudal policy, it is unsuited to the rights of a free people. It assumes that allegiance is due to the soil upon which a man is born. It makes him, therefore, a political serf, and denies to him the power to change for the better his condition. No free people can consent to such a doctrine, and notwithstanding the uniform decisions of her Majesty's courts, hoary with age, and never for a moment questioned by any judicial decision even up to the moment when our protocol was signed, it fell at once before the light of British and American freedom.

As will be seen, the protocol is more comprehensive than the treaties concluded on the same point with the North German Confederation and other continental states. These latter are subject to restrictions and qualifications that are not to be found in the former. In that the American principle is recognized pure and simple. Whenever a subject of her Majesty becomes naturalized under any existing law of the United States, his rights are identical with those which belong to a native citizen. His renunciation of his allegiance consequent upon his birth is absolute, and it cannot be again resumed or claimed of him without his own consent.

I next called his lordship's attention to the boundary question; and in regard to this we at once agreed to leave it to arbitration. The validity of our claim to the island of San Juan and its adjacencies depends upon the true construction of that part of the treaty of the 15th of June, 1846, which provides for the settlement of the boundaries between the territories of her Majesty and those of the United States. The only question in doubt as to the meaning of that treaty relates to the line described as beginning in the "middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean."

What is the meaning of the word "channel" as here used? Does it mean any stream which may separate in fact "the continent from Vancouver's Island;" or does it mean that which is the largest in width and the greatest in depth? If the words used had been the main channel, there could be no doubt that the latter was the one intended. Is it not obvious that the channel which was meant was that one? The widest and the deepest channel, and the one that runs direct into Fuca's Straits, is designated on the maps of the country as the "Canal de Haro." With those maps before them is it possible to suppose that either of the negotiators of the treaty could have designed the Rosario channel (the one contended for by this government) to be the channel? How could it be said, with any propriety of language, that that was the channel that separated "the continent from Vancouver's Island?" And when, in addition to these considerations, it is known that Great Britain had only in view to secure a right to Vancouver's Island, never pretending, as far as the history of the negotiation shows, a desire to acquire any territory east of that island, upon what possible pretense can it be held that the boundary was designed to be one which would not only give them that island, but large and valuable possessions to the east? And then, how can it be thought that the American negotiator, who was acquainted with the extent of

the British demand, would have agreed to a boundary greatly enlarging its area, and abandon, for his own country, valuable territory to which the British government made no pretense of title?

For these reasons—and there are others which might be used to the same end—I believe it to be morally certain that the enlightened arbitrator to whom the adjustment of the dispute is left by the convention of the 14th of January will render a judgment in favor of the United States.

In regard to the third—the claims convention—I shall be obliged to occupy more of your time. In the first place, the spirit of the age would condemn a resort to arms on the part of the United States upon the subject of these claims, if an arrangement could be made providing for a just and enlightened determination of the questions which they involve.

This is evident from a resolution unanimously adopted by the representatives of all the great powers, including, of course, Great Britain, who assembled at Paris in 1856; for that resolution declared "that it was the wish of all present that, whenever any serious difficulties should arise between two nations, there should not be recourse to arms until the mediation of some friendly power had been invoked to see whether these difficulties were not, by some means or other, capable of adjustment."

It is not, therefore, for a moment to be thought possible that the United States would desire to declare a war upon grounds which the judgment of the world would pronounce insufficient, and as contrary to the Christian civilization of the age. But if, contrary to this supposed impossibility, such a remedy should be resorted to for the redress of the wrongs in question, would it end in that redress? One of the certain results would be an indefinite increase of our public debt, and a great necessary increase of the taxes which would be required to meet it and maintain the faith of the government; and this at a moment when we are necessarily subjected to greater exactions for such purposes than our people have before known. And another equally certain result would be to injure our national reputation in the world's opinion. And then what should we gain to compensate in any manner for such injurious consequences? Would the losses sustained by our citizens by the acts of the Alabama and other insurgent cruisers be made good? Would the supposed injury to our national honor be wiped off? These would depend upon the termination of such a war, and who in advance can predict what that termination would be? The power of England upon both land and ocean was never greater than at present. Her steam navy has been brought to such a state of perfection that in speed and other efficiency it is believed to be unrivaled. The commercial marine, therefore, of the United States, at sea when the war is declared, would in all probability be certain victims, whilst that which was in port, if safe there against attacks of the enemy, would be useless to their owners. Can any one believe that this government, now willing to settle these disputes upon just and honorable terms through the intervention of a commission for a friendly arbitration, could be made to agree, at the close of such a war, to any other mode of settlement? We might, and no doubt would, if that were possible, increase our military and naval fame; but the Alabama losses would be unliquidated, and we be found, at the termination of the war, as regards them, in the same condition as when the war commenced.

War, therefore, being out of the question, and this government refusing to pay the claims referred to until their liability was fixed by arbitration, they must remain unsatisfied until such an arbitration results

in their favor. It is also to be borne in mind, in the consideration of the convention, that, by entering into it, the two questions which the United States have from the first insisted should be submitted, this government have agreed to submit. As I have stated, Lord Russell refused to arbitrate at all; and afterwards, when Lord Stanley became the foreign secretary, he refused to submit to arbitration one of these questions—the alleged unauthorized recognition of belligerent rights. This question, however, as well as the question whether this government had observed their neutral obligations in suffering the Alabama and other vessels to be built and escape from their ports, will be both before the commission and the umpire. That their decision will be in favor of the United States I do not doubt. The reasons for this conviction I will briefly state:

First. The recognition of belligerent rights.

The history of the world furnishes no instance of so speedy a recognition in the case of revolutionary efforts to subvert an existing government. At the time it was made, the insurgents had no port within which to build a ship of war, large or small, or the power to get her out if she was built. Nor had they any port to which they could carry any ship that they might capture as prize of war for condemnation in a court of admiralty. As a war measure, resorted to simply for the purpose of suppressing the insurrection, and with no view to impart a national character to the insurgents, the President of the United States declared certain ports under the physical control of the insurgents to be in a state of blockade; and, to prevent the inhumanity of the slaughtering of prisoners, he agreed from time to time to exchanges. But in this again without the slightest view of admitting the insurgents as possessing any legal rights whatever.

The object of the blockade being the repression of the rebellion, and that being apparent from the history of the hour, this government must have known that we were far from according to them any national existence. Supposing, then, that the proclamation of the President was known to this government when they declared the insurgents to be belligerents, (a question of fact which I do not propose to examine,) it furnished no justification for the action of this government. And if it was not justified, as I confidently believe was the case, the act is one which bears materially upon the question whether the government is not bound to indemnify for the losses occasioned by the Alabama and the other vessels; for, then, that vessel and the others could not have been constructed or received in British ports, as they would have been, in the estimation of English law as well as the law of nations, piratical vessels. They never, therefore, would have been on the ocean, and the vessels and the cargoes belonging to American citizens destroyed by them would have been in safety.

Upon this ground, then, independent of the question of proper diligence, the obligation of Great Britain to meet the losses seems to me to be most apparent.

But, secondly, what doubt can there be that she is under that obligation because of the absence of proper diligence in the fulfillment of her neutral duties?

What is proper diligence is a mixed question of law and fact. That a neutral nation is bound to see that a belligerent with whom she is at peace suffers no injury, is a national axiom. That she is, therefore, bound to see that the other belligerent is not permitted to fit out in her ports vessels to cruise against it, is necessarily true. And what is diligence in such a case is equally well settled. It is that all the officers of

the government—the government being responsible for the acts of all—shall use their powers to prevent a breach of neutral duties with reasonable skill, care, and promptitude. If they omit either, whether from negligence, ignorance, or corruption, the government is responsible for the consequences. Applying these principles to the present case, is it not manifest that there was a failure in the fulfillment of those duties for which this government is responsible?

1. It was notorious that the Alabama, originally known as No. 290, was being built under the direction of Captain Bullock, formerly an officer of the United States navy, but then in the service of the insurgents. There was not a man of any intelligence in Liverpool who was not aware of it, and the officers of the customs at that port must have known it. Possessing that knowledge notwithstanding, and seeing the vessel progressing to completion up to the moment when she left the port, they took no steps to arrest her. But even assuming that the government itself was not responsible for the misconduct of their subalterns, unless the facts were brought to their own knowledge, their responsibility is equally clear.

This is obvious from a few facts which cannot be controverted. Before he Alabama was constructed, another vessel, called the Oreto, intended to prey upon the commerce of the United States, was fitted out at the same port. As early as the 18th February, 1862, the fact was brought to the notice of Lord Russell, in a dispatch from Mr. Adams, and his lordship's attention was afterwards invited to it more than once up to the period of her sailing.

The fitting out of the Alabama and her piratical purpose were specially called to the attention of Lord Russell by a dispatch from Mr. Adams, dated the 23d of June, 1862, and facts communicated to his lordship which rendered it certain that she was to cruise in hostility to the commerce of the United States. The vessel sailed on the 29th of July of the same year, and no attempt was made in the interval to arrest her. In the mean time, too, accumulated evidence was transmitted to his lordship establishing the fact, if possible, still more clearly that such was her destination; and yet nothing was done toward her seizure until an order for that purpose was issued by the government in London, but not received in Liverpool until she had gone. On the 22d of July, seven days before the vessel left Liverpool, the evidence was furnished his lordship upon which he issued the order of the 29th; and the only reason which has been assigned for the delay in the issuing of that order was the one given to Mr. Adams by his lordship, and which was communicated to your department in Mr. Adams's dispatch No. 201, of the 1st August, 1862. That reason was this. I quote from the dispatch:

"I read to his lordship the substances of your dispatches Nos. 281 and 299 respecting the use made of the island of Nassau by the rebels, and the fitting out of the gunboats Oreto and 290. His lordship first took up the case of 290, and remarked that a delay in determining upon it had most unexpectedly been caused by the sudden development of a malady of the Queen's advocate, Sir John D. Harding, totally incapacitating him for the transaction of business."

That this reason is of any avail upon the question of liability, who can believe? The obligation of the government was not contingent upon the sickness of her law or other officers, but absolute, and depended entirely upon the fact whether proper exertions were made to guard against the wrong. It is not my purpose, in referring to Lord Russell's explanation, to impute any intended wrong to his lordship. He acted, I have no doubt, in what he believed to be his official duty. But this is

no answer to the wrong which resulted from it to the United States. The duty of Great Britain to observe neutrality, as far as her responsibility to other nations is concerned, does not depend upon her municipal law or usage. These should be such as will insure the performance of that duty. The obligation is an international one, and is regulated by the law of nations alone. When that law enforces neutrality, each nation is bound to provide for its faithful observance. The malady, therefore, of the Queen's advocate constitutes no excuse whatever for the delay to act upon proofs conceded afterwards to be complete by the giving the order for the seizure of the Alabama.

But again, the giving of that order, and the issuing of two others to stop her at Holyhead, Queenstown, and Nassau, is conclusive to show that, in the judgment of his lordship, she had violated the municipal laws of the kingdom, and by so doing had put it out of the power of the government to fulfill their obligations of neutrality to the United States. And yet the vessel was afterwards permitted to enter other colonial ports and coal, and obtain provisions, and thus continue her piratical enterprise.

If the government was bound, as the orders just referred to concede, to seize the vessel if she entered either of the three ports named, why were they not bound to seize her when she entered any other of the ports of her Majesty? Could they be met by the objection that her commander then had a commission purporting to be from the insurgents? If such an objection as that would have been a protection, it would equally have been so at the designated ports, or in the port of Liverpool if she had returned there. An admitted violator of her Majesty's laws, and in a matter which involved the duty of her government, she could afterwards by force of such a commission ride in safety in any of the ports of her Majesty, even in the port of Liverpool, from which she had escaped by fraud and collusion. This is a proposition too absurd to be seriously reasoned about.

I have thus, at more length than you may deem necessary, considered the Alabama claims, the argument upon them having been exhausted in your dispatches to Mr. Adams and his dispatches to her Majesty's government. But I have deemed it due to myself and to you that I should place upon record my own views relating to each of the subjects of the several treaties I have negotiated. I have done this with no view to my own justification, for this is to be found in your instructions, all of which I have followed, as I am glad to know, to the satisfaction of the President and yourself.

I hear that in some quarters objections are made to the claims convention, for which I was not prepared.

1. It is said, I am told, that the claims to be submitted should not be all that have arisen subsequent to July, 1853.

2. That no provision is made for the submission of any losses which our government, as such, may have sustained by the recognition of the insurgents as belligerents, and the depredations upon our commerce by the Alabama and other vessels.

In regard to the first, I do not see upon what ground of justice we should deny to our citizens the opportunity of having their claims upon this government adjusted by means of the commission, whatever may be the dates of their origin, when they have not previously had that opportunity. I understand that there are many such claims, and some of them of great alleged hardship. And besides the justice due to this class of claimants, it is most desirable that all claims, without regard to

their date, should be settled by means of the convention, as otherwise they may be the subject of controversy hereafter.

As regards the second objection, I am at a loss to imagine what would be the measure of the damage which it supposes our government should be indemnified for. How is it to be ascertained? By what rule is it to be measured? A nation's honor can have no compensation in money, and the depredations of the Alabama were of property in which our nation had no direct pecuniary interest. If it be said that those depredations prevented the sending forth of other commercial enterprises, the answer is twofold: first, that if they had been sent forth, the nation would have had no direct interest in them; and second, that it could not be known that any such would have been undertaken. Upon what ground, therefore, could the nation demand compensation in money on either account? And if it was received, is it to go into the treasury for the use of the government, or to be distributed amongst those who may have engaged in such enterprises, and how many of them are there, and how are they to be ascertained? France recognized the insurgents as belligerents, and this may have tended to prolong the war. This, too, it may be said, was a violation of her duty, and affected our honor. If we can claim indemnity for our nation for such a recognition by England, we can equally claim it of France. And who has suggested such a claim as that?

But the final and conclusive answer to these objections is this:

1. That at no time during the war, whether whilst the Alabama and her sister ships were engaged in giving our marine to the flames, or since, no branch of the government proposed to hold her Majesty's government responsible, except to the value of the property destroyed and that which would have resulted from the completion of the voyages in which they were engaged. The government never exacted anything on its own account. It acted only as the guardian and protector of its own citizens, and therefore only required that this government should pay their losses, or agree to submit the question of its liability to friendly arbitrament. To demand more now, and particularly to make a demand to which no limit can well be assigned, would be an entire departure from our previous course, and would, I am sure, not be listened to by this government, or countenanced by other nations. We have obtained by the convention in question all that we have ever asked; and with perfect opportunity of knowing what the sentiment of this government and people is, I am satisfied that nothing more can be accomplished. And I am equally satisfied that if the convention goes into operation, every dollar due on what are known as the Alabama claims will be recovered.

I cannot conclude this communication without bearing testimony to the frank and friendly manner in which I have been met by Lords Stanley and Clarendon, and to the very sincere desire which they exhibited throughout our negotiations to settle every dispute between the two nations upon terms just and honorable to each.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Johnson to Mr. Seward.

No. 119.] LEGATION OF THE UNITED STATES,
London, February 20, 1869.

SIR: I find, by an editorial in the Times of yesterday, that there are objections to the claims convention which are not noticed in my dispatch No. 112, of the 17th instant. To these I propose now briefly to address myself.

1. It is said that the time of the exchange of the ratifications allowed by the convention is too long. The purpose of that provision was not to delay such ratifications, but to insure their being made. Circumstances might possibly occur which would necessarily prevent such an exchange if a short period was only provided. And to guard against such a result, the period for the exchange is made longer than in fact would be found necessary. The time stipulated in the present convention, of twelve months for the purpose, is the same as that which was allowed in the claims convention between this country and our own of the 8th February, 1853.

2. The time allowed for rendering the awards and their payment. When it is remembered what the character of the most of these claims is, the novelty of the questions which for the most part they involve, and the probability that these will be submitted to the arbitration of "some sovereign or head of a friendly state," who will be at a great distance from Washington, the place of meeting of the commissioners, and that if he decides the question of liability the claims are to be returned to the commissioners to ascertain the amount due upon each, I do not see how it can be maintained that the two years is a longer time than is necessary and should be allowed for the completion of the whole work. This provision does not require the commissioners or the arbitrator to delay their or his decision for two years. They may, and no doubt will, discharge their duties within a much shorter period.

It is designed to guard against a failure of the adjustment consequent upon a shorter period, and to render unnecessary what has been found necessary in all previous cases, to prolong the time by an additional convention, which either government might refuse to enter into, and that would defeat the claims not acted upon.

3. The time allowed for the payment of the awards. This, it is objected, is too protracted. The time stipulated for this purpose in the convention of February, 1853, was twelve months from the date of each award. The time in the present convention is eighteen months from the date of each decision. This government would have been willing to fix the period at twelve months, but, looking to the condition of our treasury, and acting under instructions from the department, I thought it advisable to put it at eighteen months. But either government will have a right to pay at an earlier time if the claimants shall wish it.

4. That the claims of British subjects on the United States are submitted. This objection seems to me to be not only unreasonable, but grossly unjust. It goes upon the ground, as I understand, that this government have been knowingly false to their duty and have been governed by disreputable influence as concerns the causes which have given rise to the claims of our citizens. To suppose that a government, alive to its own honor as this government have ever been, would consent to negotiate upon the hypothesis that they had forfeited it, is as absurd as it would be insulting. How would our government answer the same objection if urged by Great Britain against our right to have submit-

ted the claims of our citizens under such a convention? They would consider it a degrading imputation, to be met at all hazards with a stern rebuke.

But, independent of these considerations, the object being to settle at the earliest period all the causes of difference between the two nations, (a settlement called for by the obvious interests of both,) it would seem to be manifest that they should all, as far as the claims are concerned, be included within the convention. In no other way could the object be accomplished.

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[From the London Times, February 19, 1869.—Editorial.]

The news we publish elsewhere this morning will show that the caution observed with reference to the Alabama claims in her Majesty's speech was not excessive. We were not led to expect an immediate settlement of the question, but only encouraged to hope that a durable friendship between Great Britain and America might be the reception of this result of the negotiations carried on by three successive governments. The cordial reception of this sentiment in both houses of Parliament fairly represents the feeling prevalent throughout this country, but we hear with less surprise than regret that the Committee on Foreign Relations of the United States Senate yesterday rejected the convention almost unanimously. In spite of Mr. Reverdy Johnson's repeated assurances, we have never allowed ourselves to count too confidently on the assent of the Senate to any treaty signed by President Johnson on the eve of his retirement. That body is intrusted by the Constitution with no merely nominal responsibility in such cases. The President can only make treaties "by and with the advice of the Senate," and it is further required that at least two-thirds of the senators present should concur. After all that had passed, the republican majority might well grudge Mr. Johnson the honor of any diplomatic triumph which could be reserved for his successor. It appears, however, that a strong party in the United States opposed the ratification on independent grounds. While some writers and politicians exulted over the concessions extorted from Great Britain, others complain that Mr. Seward had sacrificed the interests of his own country. A petition embodying this view was presented by Mr. Sumner to the Senate in open session on January 30th. It was signed by Mr. George B. Upton, a large ship-owner of Boston, and alleged two chief reasons why the convention should not be confirmed. The first of these objections is founded on the excessive time allowed for making the award and carrying it into effect. It was provided by the 7th article that ratifications should be exchanged within twelve months from the 14th of January, 1869, being the date of the convention. By the 3d article it was agreed that every claim should be presented within six months (or nine months at latest) of the first meeting of the commissioners, which was to be held "at the earliest possible period" after their appointment. A final decision was to be given on every claim within two years from the first meeting, but a further period of eighteen months was fixed by the 4th article for the payment of any sums of money found to be due. We are disposed to agree with Mr.

Upton that under these provisions redress would have been too long delayed. Two years may not be too much for the consideration of claims and counter-claims dating back to 1853, but if the convention were to be ratified at all, it ought surely to have been ratified within much less than a year; and if damages were to be paid, they might be paid within much less than a year and a half.

Mr. Upton's second objection, however, was of a very different nature, and one much more likely to have influenced the committee of the Senate. He protests against British claims upon the United States being placed on the same footing as American claims upon Great Britain. He assumes that whatever injury may have been inflicted on our ship owners by the negligence of his own government was inflicted without malice, and in good faith. He not only assumes, but afterwards explicitly states, that whatever injury may have resulted to American commerce from the depredations of the Alabama and her consorts was inflicted by the British government willfully and in bad faith. These depredations he describes as "piracies committed by British-built, British-manned, and British-armed vessels, by vessels and armaments which left British ports under the protection of the British flag and burnt American ships, and your memorialist's among the number, upon the high seas, without taking them into a port for condemnation, and without any action being taken upon the part of the said British government, when these atrocities were laid before it, to prevent the same; but, on the contrary, these pirates were everywhere received with rejoicing when visiting British ports; and when the notorious builder of one of them boasted of the same in the British Parliament, of which he was a member, he was received with cheers and expressions of satisfaction." We have quoted this passage at length, both because we believe it to state the grounds upon which the committee of the Senate has acted in rejecting the convention, and because it well illustrates the confusion, as we regard it, which obscures the ultra-American view of this controversy. To assert that no action was taken by the British government to prevent the equipment of cruisers like the Alabama, in the face of such notorious facts as the seizure of the rams, is sufficiently audacious. But we do not speak of this; we speak of the misconception involved in connecting, for purposes of international arbitration, supposed breaches of neutrality by a government with the supposed manifestation of an unfriendly *animus* by its subjects. Far be it from us to excuse the unseemly applause which greeted Mr. Laird from the conservative benches on the occasion in question, or the sympathy with Captain Semmes's enterprise which may or may not have been shown at Nassau or any other colonial port. It is natural that such ebullitions should at the time have aggravated the sense of injury received at the hands of our government in the American mind; but it is unreasonable to make them a part of the case against this country, or to insist on their being mixed up with pecuniary demands. Long before the civil war broke out, abuse of Great Britain was a favorite theme with the American press, and would generally bring down a storm of cheers at a popular meeting. Yet who ever thought of importing such an element as this into the negotiations about Oregon or the Maine boundary, and who would think of importing it into the settlement, contemplated by this very treaty, of British claims arising out of the Russian war? The more the subject is considered, the more absurd and impossible will it appear to found a substantive charge upon the confederate "proclivities" avowed by individual British subjects.

The real defect in the convention was one to which Mr. Upton does

not seem to have called attention. It consisted, as we have before indicated, in the want of a definite basis for arbitration. There is no use in disguising this defect, since it would have become patent at the very first sitting of the commission. The liability of Great Britain must essentially have been made to depend upon the old question whether or not there was such a war in America as to justify us in recognizing the southern confederacy as a belligerent power. It is tolerably clear, indeed, that as no specific claim had ever been preferred, so none would have been preferred, against us on this score. But, on the other hand, the whole official correspondence between the two governments would have been made evidence in the suit, and this correspondence embodies many protests against "premature" recognition as a primary cause of the gigantic proportions assumed by the insurrection. Now if this argument had been pushed to extremes, it would obviously have shaken the whole ground of arbitration. If no war existed when the Alabama escaped, or if it had been called into existence by our malfeasance, the particular wrong involved in the failure of our government to arrest the Alabama would be merged in a prior and still more flagrant breach of neutrality. If a war did exist, then, and then only, the commissioners could have proceeded to deal on intelligible principles with the special claims that might have been presented to them. This obvious defect goes far to reconcile us to the rejection of the convention, and, in the event of another being proposed, this point ought certainly to be cleared up. For the present, however, we have nothing to do but to await the proposals of the United States government. We have done our best; we have gone to the very verge—if we have not transgressed it—of national humiliation; the minister of the United States has wearied every audience by the emphatic testimony he has borne to our anxious desire to conciliate the country he represents; Mr. Seward has twice expressed his approval of the convention the Senate has rejected, and, in the consciousness of having made every reasonable concession, we must now wait to see what mode President Grant will propose for the settlement of the claims which have been admitted to form a fair subject for friendly arbitration.

Mr. Johnson to Mr. Seward.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, February 22, 1869.

Hon. WILLIAM H. SEWARD, *Secretary of State:*

Has committee acted on claims convention, and how? Answer.

REVERDY JOHNSON.

Mr. Seward to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, February 22, 1869.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

Senate committee are understood to have almost unanimously instructed chairman to report adversely. Report not yet made. Important business accumulated.

WILLIAM H. SEWARD.

[From British Blue Book, "North America," No. 1, 1869, p. 44.]

No. 31.

Mr. Thornton to the Earl of Clarendon.

[Extract.]

WASHINGTON, *February* 22, 1869.

I have already had the honor to inform your lordship that the convention for the settlement of outstanding claims, signed by your lordship and Mr. Reverdy Johnson on the 14th ultimo, had been sent by the President to the Senate for their approval.

I now learn that on the 18th instant, at the meeting of the Senate Committee on Foreign Relations, its chairman, Mr. Sumner, brought forward the above-mentioned convention, and, after making a short comment upon its contents, and stating that it covered none of the principles for which the United States had always contended, recommended that the committee should advise the Senate to refuse their sanction to its ratification.

Six out of seven members of the committee were present, Mr. Bayard, senator from Delaware, being absent; but his six colleagues, as I was told, voted, without any discussion or observations, adversely to the convention. It has consequently been represented as a unanimous vote of the committee, though it was not really so.

Mr. Sumner was accordingly authorized to report in that sense to the Senate.

I have the honor also to inclose copy of a resolution adopted by the legislature of Massachusetts protesting against the ratification of any convention which does not admit the liability of England for the acts of the Alabama and her consorts.

[Inclosure.]

Resolution of Massachusetts legislature respecting claims convention.

BOSTON, *February* 19.

The following resolution, in reference to the treaty with Great Britain, was introduced in the Massachusetts legislature to-day and referred:

Resolved, That the Massachusetts legislature, in general court assembled, firmly believe that any treaty between England and America touching the premises aforesaid, which may be submitted now or at any future time for ratification, which does not, by its terms, concede the liability of the English government for acts of her protégés, the Alabama and her consorts, will be spurned with contempt by the American people, and that a ratification thereof would be dishonorable to our nation and unjust to our citizens.

Mr. Johnson to Mr. Seward.

No. 124.] LEGATION OF THE UNITED STATES,
London, *February* 27, 1869.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 74, of the 10th instant. The early information which I requested you to give me by my dispatch of the 25th of January, was intended only to

refer to the action of the Senate when that was made known. I supposed that you would be apprised of it the moment the final action was had, and that you would advise me of it by cable.

The coming in of a new administration, for the reasons which you state, may delay the decision of the Senate upon the several conventions and the protocol until after that event occurs. Whenever the decision is had, it is desirable that I should have the earliest information of it.

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Johnson.

No. 81.] DEPARTMENT OF STATE,
Washington, March 3, 1869.

SIR: Your dispatch No. 112, of the 17th ultimo, relative to the protocol and convention recently signed by you on behalf of this government, has this day been received and submitted to the President. He directs me to say, in reply, that it is regarded as an able and elaborate paper, and would have been communicated to the Senate had it not reached here at the close of the present session and that of his administration. It is presumed that the attention of that body will be called to it early in its next session.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

[From British Blue Book, "North America," No. 1, 1869, pp. 45–46.]

No. 34.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *March* 22, 1869.

SIR: Mr. Reverdy Johnson called upon me to-day to propose that an amendment, of which I inclose a copy, should be made to Article I of the convention, as he thought it would satisfactorily meet the objections entertained by the Senate to the convention, and would secure its ratification by that body.

I remarked to Mr. Johnson that his proposal would introduce an entirely new feature into the convention, which was for the settlement of claims between the subjects and citizens of Great Britain and the United States; but that the two governments not having put forward any claims on each other, I could only suppose that his object was to favor the introduction of some claim by the government of the United States for injury sustained on account of the policy pursued by her Majesty's government.

Mr. Reverdy Johnson did not object to this interpretation of his amendment, but said that if claims to compensation on account of the recognition by the British government of the belligerent rights of the confederates

were brought forward by the government of the United States, the British government might, on its part, bring forward claims to compensation for damages done to British subjects by American blockades, which, if the confederates were not belligerents, were illegally enforced against them.

I replied that amendments had repeatedly been made during the negotiations in order to meet the wishes of the United States government, and to secure, as it was said, the assent of the Senate, but that our course of proceeding had not been met in a corresponding spirit; and we only knew that, contrary to custom, the convention had at once been published, not only before it was ratified, but before it had been taken into consideration by the Senate; and that, to this day we had not been informed of the objections made to the convention by the committee of the Senate or whether the Senate would come to a decision upon it or not.

Under all these circumstances, I said that it did not seem proper for her Majesty's government to take any further step in the matter, or to adopt any amendment of the convention, even if it had been free from objection.

Mr. Johnson requested me to take it into consideration, and I assured him that I would bring his proposal to the knowledge of my colleagues, but that I did not think their view of it would differ from my own.

I am, &c.,

CLARENDON.

[Inclosure.]

Amendment to Article I of Claims Convention.

ARTICLE I. The high contracting parties agree that all claims on the part of her Britannic Majesty's government upon the government of the United States, and all claims on the part of the government of the United States upon the government of her Britannic Majesty, and all claims on the part of subjects of her Britannic Majesty upon the government of the United States, * * * * *

[From British Blue Book, "North America," No. 1, 1869, p. 48.]

No. 39.

Mr. Thornton to the Earl of Clarendon.

WASHINGTON, *March* 23, 1869.

MY LORD: I have been informed by Mr. Sumner, the chairman of the Committee on Foreign Relations, that the convention on claims signed by your lordship on the 14th of January last will be submitted to the Senate in executive session as soon as an opportunity shall offer. But all other business has been delayed by the prolonged discussion on the Tenure of Office Act.

It has been reported by the newspapers and elsewhere that Mr. Sumner has prepared a lengthy exposition which will be submitted with the committee's adverse report on the convention, and that its tone would tend to excite a warlike feeling against England. When I last saw Mr. Sumner, a few days ago, he of his own accord alluded to these reports, and declared in an earnest manner that his statement on the convention

would in no way display a hostile spirit against us, but would merely set forth and support, by strong arguments, the views held by the people of the United States with respect to the course pursued by England during the late civil war with regard to the southern States.

As far as it is possible to form an opinion of so numerous a body as the Senate, voting in secret session upon the convention in question, my belief is that it will fail to obtain in its favor the necessary two-thirds of their votes.

I have, &c.,

EDWD. THORNTON.

[From British Blue Book, "North America," No. 1, 1869, p. 47.]

No. 37.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *March* 27, 1869.

SIR: With reference to my dispatch of the 22d instant, giving an account of a conversation with Mr. Johnson respecting the claims convention, I now inclose a copy of a letter which I have since received from him, formally proposing the signature of a supplemental convention, by which the previous convention would be made applicable to claims that might be preferred by the respective governments on each other.

I also inclose a copy of a letter which I have addressed to Mr. Johnson acknowledging his letter, and acquainting him that it would be considered on the re-assembling of the cabinet after the Easter recess.

You will consider the matter referred to in this correspondence as confidential for the present, at least so far as not to initiate any communication upon it.

I am, &c.,

CLARENDON.

[For inclosure see accompaniments to dispatch from Mr. Johnson to Mr. Fish, No. 150, April 9, 1869, *post.*]

[From British Blue Book, "North America" No. 1, 1869, p. 50.]

No. 44.

Mr. Thornton to the Earl of Clarendon.

[Extract.]

WASHINGTON, *March* 29, 1869.

I have the honor to inform your lordship that the convention on claims lately signed by your lordship has not yet been submitted to the Senate in executive session by the Chairman of the Committee on Foreign Affairs. It is even whispered that no decision will be taken upon it, but that it will be allowed to lie dormant.

I have not thought it expedient to refer to the subject at all with the Secretary of State during the last few days; but at an interview which I had with him yesterday, I spoke to him upon the subject of the convention for submitting the question of the island of San Juan to arbi-

tration, and expressed my hope that, as the Committee on Foreign Affairs had authorized their chairman to report favorably upon it, the Senate would proceed to give it their sanction; for that a joint occupation of the island, although it had been amicably carried out for several years, was at best a delicate business, and might at any moment give rise to a collision

Mr. Fish merely expressed a hope that the question might be settled, without giving an opinion whether the Senate would take the San Juan convention into consideration during the present session.

[From British Blue Book, "North America," No. 1, 1869, p. 49.]

No. 42.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *April* 9, 1869.

SIR: I had a conversation with Mr. Reverdy Johnson on the 5th instant, when I told him that her Majesty's confidential advisers had not yet considered the proposal respecting a supplemental claims convention contained in his letter of the 25th of March, of which a copy was transmitted to you in my confidential dispatch of the 27th of that month, but that I had spoken of it to some of my colleagues.

It appeared to them, I said, as it did to me, that by the adoption of his proposal an entirely new principle would be admitted, at variance with the convention of 1853, which her Majesty's government were all along told was to be the model of a new claims convention. Her Majesty's government, I said, had made various concessions in order to meet the wishes of the government of the United States, and those which the Senate were supposed to entertain. Two months and more had elapsed without action being taken by the Senate beyond the publication of the convention. Her Majesty's government, I added, did not know what were the objections of the Senate, and although General Grant had been installed for a month, they had had no communications either through yourself or through Mr. Johnson as to the views of the government of the United States, though rumors were not wanting as to the feeling being hostile.

Mr. Johnson, I said, was no doubt acting on his instructions, but they were the instructions given to him by the last government, and her Majesty's government could not consider a communication not made by the authority of the present government. He had had experience enough of the hearty desire of her Majesty's past and present government, and of the people of England, to efface all cause of misunderstanding, and to establish the most friendly relations with the United States; but it would not be consistent with the honor and dignity of England now to amend a treaty already signed, in the possibly fallacious hope that we should thereby meet objections of the real character of which we were wholly ignorant.

I am, &c.,

CLARENDON.

Mr. Johnson to Mr. Fish.

No. 150. LEGATION OF THE UNITED STATES,
London, April 9, 1869.

SIR: Understanding from a private source, upon which I thought I had a right to rely, that the objection to the claims convention, submitted to the Senate by the late President, that might lead to its rejection, was that it only provided for the settlement of individual claims, and not for any that either government in its own right might have upon the other, I addressed her Majesty's principal secretary of state for foreign affairs, the Earl of Clarendon, a letter on the 25th of March, proposing a modification of the convention so as to make it include governmental claims.

On the 27th of that month I received a reply from his lordship, stating that he would lay the matter before her Majesty's government, and in the mean time desiring to know whether my proposition was "made in pursuance of express instructions from the government of the United States." On the 29th, in answer to this inquiry, I informed his lordship, by a letter of that date, that it was not made in pursuance of any express instructions, but under what I believed was ample authority.

On the 8th instant I received from his lordship a final reply to my letter of the 25th of March, declining my proposition for the reasons he assigns. I deemed it necessary to reply, in regard to one of these reasons, by a letter dated to-day. The inference which I have drawn from his lordship's last letter is that, if the proposition was made under express instructions from our government, and promised an adjustment of the controversy, it would be agreed to. As it is all-important, I think, to the interest of our country, that such an adjustment be had, I respectfully submit, if the objection to the present convention is that it does not embrace governmental claims, that instructions be given to this legation to endeavor to supply the omission. As you will see by my letter of to-day to his lordship, my not having provided for them in the convention of January was because my instructions were confined to individual claims.

With this you have copies of the entire correspondence referred to above.

I have the honor to remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. HAMILTON FISH,
Secretary of State.

Mr. Reverdy Johnson to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, March 25, 1869.

MY LORD: I know you fully concur with me that it is important to the interests and tranquillity of both our countries that the convention signed by us on the 14th of January last should go into operation. As this cannot be effected without the ratification of the convention by the Senate of the United States, it is necessary to remove the objection which that body is supposed to entertain to it. I have reason to believe that the objection consists in the fact that the convention provides only for the settlement by arbitration of the individual claims of British sub-

jects and American citizens upon our respective governments, and not for any claims which either government, as such, may have upon the other. If I am right in this, as I think I am, the principle of arbitration is not disapproved of. On the contrary, all the Senate desires is, that the entire controversy as to claims shall be included within it, so as thereby to be finally settled.

My government believe, as I am now advised, that it has a claim of its own upon her Majesty's government, because of the consequences resulting from a premature recognition of the confederates during our late war, and from the fitting out of the Alabama and other similar vessels in her Majesty's ports, and from their permitted entrance into other ports to be refitted and provisioned during their piratical cruise.

The existence of such a claim makes it as necessary that its ascertainment and adjustment shall be provided for as the individual claims growing out of the same circumstances.

As I explained to your lordship, at the interview which I had the honor to have with you on Monday the 22d instant, the decision of the arbitration upon the claim in question may be such as to give her Majesty's government a claim upon the United States. I therefore now officially propose to your lordship that we sign a supplemental convention, which shall only so far alter the one of the 14th of January as to provide that the claims which either government may have upon the other shall be included within it, and be settled in the same way. This can be done by inserting in the first article after the word "agree," in the first line, these words: "That all claims on the part of her Majesty's government upon the government of the United States, and all claims of the government of the United States upon her Majesty's government," and leaving the rest of the article unchanged.

Such a provision as this would, I have every reason to believe, at once result in the ratification of the convention by the Senate. And as it would in no degree compromise the rights or honor of either government, but merely carry out the principle of arbitration upon which the convention of the 14th of January rests, I earnestly hope that her Majesty's government will consent to it.

If this is done, and the convention is ratified, every existing controversy between our two countries will soon be amicably settled, as it is certain that the naturalization protocol and the San Juan convention meet with no opposition.

Soliciting as early a reply as your lordship can conveniently give me, I have the honor to remain, my lord, your lordship's most obedient servant,

REVERDY JOHNSON.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

The Earl of Clarendon to Mr. Reverdy Johnson.

FOREIGN OFFICE, *March* 27, 1869.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, proposing the signature of a convention supplementary to that of the 14th of January, by which provision would be made that the claims which either government may have upon the other shall be included within the convention of the 14th of January, and settled in the same way; and I beg leave to acquaint you, in reply, that immediately on the return of my colleagues to London, several of whom

are absent during the short Easter recess, your letter shall have their attentive consideration.

In the mean time, however, I request you will have the goodness to inform me whether the proposal contained in your letter is made in pursuance of express instructions from the government of the United States, as I do not clearly understand from your letter that such is the case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Reverdy Johnson to the Earl of Clarendon.

UNITED STATES LEGATION,
London, March 29, 1869.

MY LORD: I have the honor to receive your note of the 27th instant, and shall look with solicitude to the determination of your government upon the proposition contained in my official note to you of the 25th.

That proposition was not made in pursuance of any express instructions of my government, but under the ample authority conferred upon me when I came to this country and since; an authority which has never been revoked, or in any particular modified.

Repeating my opinion that the acceptance of the proposition would result in the ratification by the Senate of the claims convention of the 14th of January last, and renewing the assurance of my high consideration, I have the honor to remain, my lord, your lordship's most obedient servant,

REVERDY JOHNSON.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

The Earl of Clarendon to Mr. Reverdy Johnson.

FOREIGN OFFICE, *April* 8, 1869.

SIR: In my letter of the 27th ultimo I had the honor to inform you that her Majesty's government would attentively consider the proposal respecting the claims convention contained in your letter of the 25th ultimo, which has for its object, by the insertion of a few words in Article I, to include in the convention the claims that either government might have on the other, as well as private claims.

Her Majesty's government could not fail to observe that this proposal involved a wide departure from the tenor and terms of the convention of 1853, to which, in compliance with your instructions, you have constantly pressed her Majesty's government to adhere, as necessary to insure the ratification of a new convention by the Senate of the United States.

No undue importance is attached to this deviation, but I beg leave to inform you that in the opinion of her Majesty's government it would serve no useful purpose now to consider any amendment to a convention which gave full effect to the wishes of the United States government, and was approved by the late President and Secretary of State, who referred it for ratification to the Senate, where it appears to have

encountered objections the nature of which has not been officially made known to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Reverdy Johnson to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, April 9, 1869.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of yesterday.

It is not my present purpose to renew the proposition contained in my letter of the 25th of March, nor to withdraw it. I felt myself entirely justified in making it by my instructions from the late administration of my government.

My sole object in addressing your lordship now is to meet the difficulty, which your lordship suggests, to her Majesty's government agreeing to the proposition in question, "that it would involve a wide departure from the tenor and terms of the convention of 1853." In this I think your lordship is mistaken. The design of the convention of 1853 was to settle all claims which either government, in behalf of its own citizens or subjects, might have upon the other, the mode of settlement being the submission of them to a joint commission, with the authority, in case the commissioners differed upon any claim, to call in the assistance of an umpire. At that time neither government, as such, made a demand upon the other. But that, as my proposition assumes, is not the case now. The government of the United States believes that it has in its own right a claim upon the government of her Majesty. In order, therefore, to a full settlement of all existing claims, it is necessary that the one which my government makes, and any corresponding claim which her Majesty's government may have upon the United States, should be included within the convention of the 14th of January, 1869.

My instructions, to which your lordship refers, were to provide for the settlement of the claims mentioned in such instructions by a convention upon the model of the one of the 8th of February, 1853. That I did not suggest in the negotiations which led to the convention of January the including within it any governmental claims, was because my instructions only referred to the individual claims of citizens and subjects.

I forbear to speculate as to the grounds upon which my instructions were so limited. I make the proposition contained in my note of the 25th of March, because I have reason to believe that the omission in the convention of January, which would be supplied by the modification suggested, is the principal, if not the only, objection to the ratification of the convention by the Senate of the United States.

I am gratified to be able to infer from your lordship's note that "no undue importance is attached to this deviation," which your lordship supposes would be the effect of the suggested change; that if it had been made, or should hereafter be made, under positive instructions from my government, and her Majesty's government had reason to think that it would terminate the entire controversy, that it would be acceded to.

I shall, at the earliest moment, forward this correspondence to my government, with the hope that it may have a satisfactory result.

Renewing the assurance of my highest consideration, I have the honor to remain, my lord, your lordship's most obedient servant,

REVERDY JOHNSON.

Right Hon. the EARL OF CLARENDON, *&c., &c., &c.*

Mr. Johnson to Mr. Fish.

[Telegram per cable.]

LEGATION OF THE UNITED STATES,
London, April 10, 1869.

Hon. HAMILTON FISH, *Secretary of State:*

Think can get this change in convention. After word "agree," first line, first article, insert "that all claims on the part of her Majesty's government upon the government of the United States, and all claims of the government of the United States upon her Majesty's government." Will you so instruct? Answer.

REVERDY JOHNSON.

[From British Blue Book, "North America," No. 1, 1869, p. 50.]

No. 43.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *April* 10, 1869.

SIR: With reference to my dispatches of the 27th ultimo and of yesterday's date, I inclose, for your information, copies of a further correspondence with Mr. Reverdy Johnson on the subject of the claims convention.

I am, &c.,

CLARENDON.

[For inclosures see accompaniments to dispatch from Mr. Johnson to Mr. Fish, No. 150, April 9, 1869, *ante.*]

Mr. Fish to Mr. Johnson.

[Telegram per cable.]

DEPARTMENT OF STATE,
Washington, April 12, 1869.

REVERDY JOHNSON, Esq., *&c., &c., &c.:*

As the treaty is now before the Senate, no change is deemed advisable.

HAMILTON FISH.

[From British Blue Book, "North America," No. 1, 1869, p. 50.]

No. 45.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *April* 14, 1869.

SIR: Her Majesty's government approve your proceedings respecting the claims and San Juan boundary conventions, as reported in your dispatch of the 29th ultimo.

I am, &c.,

CLARENDON.

Mr. Johnson to Mr. Fish.

No. 153.] LEGATION OF THE UNITED STATES,
London, April 16, 1869.

SIR: On the 9th instant, in a dispatch of that date, I stated to the department that I believed a modification of the claims convention could be obtained so as to include within it demands which either government as a government might have upon the other, and suggested that express instructions should be given to this legation to that effect. My dispatch was accompanied by the correspondence between the Earl of Clarendon and myself in relation to such a modification. And as you will see by my note to his lordship of the 9th instant, I inferred that such a change would be agreed to by this government from a passage which I quoted from his lordship's note to me of the preceding day. Since then I have another note from his lordship dated yesterday, the 15th, in which he states that it was not his purpose, in his note of the 8th, to authorize the conclusion I had drawn from it. It is of course my duty to lay this correction of my misapprehension before the department. For this purpose I herewith transmit copies of his lordship's note of the 15th, and of my reply of to-day.

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. HAMILTON FISH,
Secretary of State.

The Earl of Clarendon to Mr. Reverdy Johnson.

FOREIGN OFFICE, *April* 15, 1869.

SIR: I have had the honor to receive your letter of the 9th instant, explaining the grounds on which you felt warranted in proposing the amendment in the claims convention, which, in your letter of the 25th ultimo, you had submitted for the consideration of her Majesty's government.

In order to prevent future misunderstanding, I feel it my duty to refer to one passage in your letter.

You say "that you are gratified to be able to infer from your lordship's note that no undue importance is attached to this deviation, which your lordship supposes would be the effect of the suggested change; that if it had been made, or should hereafter be made, under positive instructions from my government, and her Majesty's government had reason to think that it would terminate the entire controversy, that it would be acceded to."

In saying that "no undue importance is attached to this deviation," I intended to convey that her Majesty's government did not think that a rigid adherence to the terms and tenor of the convention of 1853 was of material consequence. Beyond this my meaning did not go, and consequently I did not intend to imply that your proposed alteration of Article I of the convention of January 14 would be acceptable to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

Mr. Reverdy Johnson to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, *April* 16, 1869.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday relating to the claims convention. The inference which I drew from that part of your reply to my letter of the 25th of March, which I quoted, was not only the one which I supposed could be deduced from it, but, under the circumstances, was the only one to be drawn from it. Your lordship's note, however, of yesterday is conclusive that you did not design the meaning I attached to your note of the 8th instant, and I will lose no time in so informing my government.

Renewing the assurance of my highest consideration, I have the honor to remain, my lord, your lordship's most obedient servant,

REVERDY JOHNSON.

Right Hon. the EARL OF CLARENDON, *&c.*, *&c.*, *&c.*

[From British Blue Book, "North America," No. 1, 1869, p. 51.]

No. 48.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *April* 17, 1869.

SIR: With reference to my dispatch of the 10th instant, I inclose, for your information, copies of further correspondence with Mr. Johnson respecting the claims convention.

I am, &c.,

CLARENDON.

[For inclosures see accompaniments to dispatch from Mr. Johnson to Mr. Fish, No. 153, April 16, 1869, *ante*.

[From British Blue Book, "North America," No. 1, 1869, pp. 51-53.]

No. 49.

Mr. Thornton to the Earl of Clarendon.

[Extract.]

WASHINGTON, *April* 19, 1869.

I have the honor to inform your lordship that the claims convention, signed by your lordship on the 14th of January last, was submitted to

the Senate in executive session on the 13th instant, with the adverse report which had previously been decided upon by the Committee on Foreign Relations. Mr. Sumner availed himself of the occasion to make a long speech on the subject, and as the Senate subsequently ordered that this speech should be made public, it has been inserted in all the newspapers in the country. It was followed by a few more, all in the same sense, of which that of Mr. Chandler, senator from Michigan, seems to have been the most violent against England, and in it he plainly indicated his desire that Great Britain should possess no territory upon this continent.

A vote was taken on the same day, fifty-four senators voting against it and only one in its favor.

Your lordship will perceive that the sum of Mr. Sumner's assertions is that England insulted the United States by the premature, unfriendly, and unnecessary proclamation of the Queen, enjoining neutrality on her Majesty's subjects; that she owes them an apology for this step; that she is responsible for the property destroyed by the Alabama and other confederate cruisers, and even for the remote damage to American shipping interests, including the increase of the rate of insurance; that the confederates were so much assisted by being able to get arms and ammunition from England, and so much encouraged by the Queen's proclamation, that the war lasted much longer than it would otherwise have done, and that we ought therefore to pay imaginary additional expenses imposed upon the United States by the prolongation of the war.

Mr. Sumner lays stress upon the umpire or two umpires being selected by the commissioners, and in the latter case on one of them being chosen by lot to decide upon any particular case; and adds that the subsequent provision for naming a sovereign or head of a friendly state is not sufficient to remedy the evil of which he complains; while he altogether omits to allude to the fact that at the will of the two commissioners on the one side or the other, any matter in dispute, from the highest international question to the lowest consideration of pecuniary compensation, may be referred to the single umpire agreed upon by the two governments.

Mr. Sumner asserts that the confederate bonds rose in price on the announcement of the signature of the convention, and he insinuates that the claims of the bondholders would be submitted to the commission; but he can hardly suppose the English commissioners to admit such claims, and I can therefore only look upon this insinuation as an endeavor to excite an unfair opposition to the contents of the convention.

It is not worth while to discuss the nice distinction which Mr. Sumner makes between belligerency by land and that on the ocean. But even if it be possible to separate the two, his argument is chiefly supported by belittling (to use his own phrase) the important right of blockade which was asserted by the United States, and which imposed upon neutrals the obligation of providing for the rights of their own subjects. The alternative of closing the ports of the southern States is alluded to as if there would be no question that such a measure would have been acquiesced in by neutral powers.

It is needless to follow Mr. Sumner in his history of the building and escape of the Alabama, and of her subsequent reception; for these are the points which the convention virtually consents should be submitted to arbitration; and I may here observe that although Mr. Sumner brings forward as grounds of complaint against England administrative measures which her Majesty's government would probably never agree should

be submitted to the judgment of any umpire, his speech does not contain any protest against the principle of arbitration.

In speaking of the reparation which it is claimed is due by Great Britain to the United States on account of her Majesty's proclamation of neutrality, Mr. Sumner brings forward as precedents the case of the Chesapeake boarded by the Leopard, and that of the Caroline destroyed in American waters in 1837, in the former of which the act was disavowed by his Majesty's government and compensation was made, and, in the other, though the circumstances fully warranted the act, regret was expressed that necessity should have compelled a violation of American jurisdiction; but to compare with these two cases her Majesty's proclamation, issued by the deliberate advice of her Majesty's government, which they were called upon to give in consequence of the President's declaration of blockade, seriously affecting all neutrals, seems an incomprehensible display of unfair argument.

Mr. Sumner proceeds to consider the losses, individual and national, originating from our conduct. He states that the former amount to about £3,000,000 sterling, being the value of the ships and cargoes destroyed by the Alabama and other confederate cruisers. I can hardly believe, however, that any reasonable American, even including Mr. Sumner, can conscientiously assert that there is the slightest ground for remonstrance against England with regard to the conduct of any of the other cruisers, whatever there may be with regard to the Alabama. I understand, further, that some of the claims presented on account of these losses could not be sustained by the necessary proofs.

Mr. Sumner claims that American shipping suffered an immense loss on account of the confederate cruisers, and cites as a proof of this loss the decrease in American and the increase in British tonnage during the war; but he ignores the fact that the transfer of American vessels to the English flag was almost entirely fictitious, and that the owners, capital, masters, and crews were really the same and American, although under English names and flag. There was consequently very little actual but only an apparent loss. That since the war ship-building has gradually decreased, and is still decreasing in an extraordinary manner, must be traced to some other causes than the former proceedings of the confederate cruisers.

The idea of England being responsible for a certain portion of the expenses of the American civil war on account of its prolongation due to the policy of Great Britain and the presence on the seas of confederate cruisers, seems almost too preposterous to entertain; but the absurdity of it appears at once by the consideration that if the pretension were to be admitted, a nice examination would have to be made, what proportion of the losses on shipping interests and by increased insurance would be due by us on account of the Alabama, and what proportion should be assigned to the other confederate cruisers, two of which, the Sumpter and Nashville, actually sailed from confederate ports with commissions from the confederate government; and further, if we are to be responsible for a part of the expenses of the war on account of its prolongation, we should have a right to know how far the United States government are responsible for it, and to insist upon an impartial jury to examine into and decide upon the general conduct of the naval and military operations during the war.

Your lordship will observe that Mr. Sumner claims to be animated with an anxious desire that peace should be mantained with Great Britain; yet I know of no arguments more calculated than those contained in his speech to excite the passions of his countrymen, and to

inflame that animosity which, unhappily, it is but too apparent they still feel against England.

The speech has been vehemently applauded by the whole of the republican portion of the press that has as yet reached this city, and most of them openly proclaim that the only satisfaction the United States government can accept will be the cession of our possessions on this continent, as well as the Bahama Islands—a mode of settlement which has frequently been hinted at to me.

Your lordship will doubtless have observed that, with reference to the claims convention, there have been two violations of the rules which are supposed to be in force with regard to all treaties negotiated with this country. The first is that the claims convention was published in the newspapers of this country before any action had been taken upon it by the Senate; and the second that, contrary to custom, the Senate authorized the publication of Mr. Sumner's speech made in executive session. Both these acts seem to have been done in a spirit unfriendly to England, though they are probably of little importance.

[For speech of Mr. Sumner, above referred to, see Parliamentary and Judicial Appendix, No. 31.]

Mr. Fish to Mr. Reverdy Johnson.

No. 102.] DEPARTMENT OF STATE,
Washington, April 19, 1869.

SIR: After having had under consideration for a period of three months the convention between the United States and Great Britain for the adjustment of claims, signed by Lord Stanley and yourself, at London, on the 14th of January last, the Senate of the United States on the 13th instant adopted a resolution, a copy of which is inclosed, declining to give its advice and consent to the ratification of that instrument.

The vote of the Senate in opposition to the ratification of the convention was practically unanimous, there being only one in favor of it, and fifty-four against it.

The President, however, is not without hope that upon a further consideration by the two governments of the questions involved in the negotiation, they may still be found to be susceptible of an amicable and satisfactory adjustment.

I am, sir, your obedient servant,

HAMILTON FISH.

REVERDY JOHNSON, Esq., *&c., &c., &c.*

[For inclosure see dispatch from Mr. Johnson to Mr. Fish, No. 171, May 5, 1869, *post.*]

Mr. Davis to Mr. Johnson.

No. 108.] DEPARTMENT OF STATE,
Washington, April 27, 1869.

SIR: I have to acknowledge the receipt of your dispatch of the 9th instant, No. 150, accompanied by copies of the correspondence which has passed between yourself and Lord Clarendon on the subject of a proposed modification of the convention for the adjustment of the Alabama

claims. A reply to your dispatch has been practically anticipated by the answer of this department to your telegram of a similar purport, and by the rejection of the treaty by the Senate.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

REVERDY JOHNSON, Esq., *&c.*, *&c.*, *&c.*

[From British Blue Book, "North America," No. 1, 1869, p. 56.]

No. 56.

The Earl of Clarendon to Mr. Thornton.

FOREIGN OFFICE, *May* 5, 1869.

SIR: I transmit to you herewith, for your information, a copy of a note I have addressed to Mr. Reverdy Johnson, in reply to one I received from him inclosing a copy of a dispatch from Mr. Fish with a copy of the resolutions of the Senate declining to ratify the convention signed between the United States and this country on January 14th, providing for the adjustment of all outstanding claims of citizens and subjects of the two countries, a copy of which was inclosed in my dispatch No. 16, of January 16th.

I am, &c.,

CLARENDON.

[For inclosure see dispatch from Mr. Johnson to Mr. Fish, No. 171, May 5, 1869, *post.*]

Mr. Johnson to Mr. Fish.

No. 171.] LEGATION OF THE UNITED STATES,
London, May 5, 1869.

SIR: On the receipt of your dispatch No. 102, of the 19th ultimo, I addressed a note to Lord Clarendon, with a copy of the resolution of the Senate rejecting the claims convention of the 14th of January, and informed his lordship, as requested to do, that the President was "not without hope that upon a further consideration by the two governments of the questions involved in the negotiation, they may still be found to be susceptible of an amicable and satisfactory adjustment."

In his lordship's reply of yesterday's date, after referring to the words just quoted, he adds (what I know to be true) that my residence in this country must have satisfied me "that it was the desire of the government and people of England that all differences between the two countries should be honorably settled, and that their relation with the United States should be of a most friendly character." I say that I know this to be true, because I have seen conclusive evidence of it wherever I have been since my arrival.

Herewith you have copies of the notes referred to.

I remain, with high regard, your obedient servant,

REVERDY JOHNSON.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Reverdy Johnson to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, May 3, 1869.

MY LORD: I hand you herewith a copy of the resolution of the Senate of the United States, that that body does "not advise and consent to the ratification of the convention" signed by your lordship and myself on the 14th of January last, for the adjustment of outstanding claims on the part of citizens and subjects of the two governments.

Notwithstanding this action of the Senate, I hope your lordship will not infer that it is the determination of that body, or of the President of the United States, not to settle the causes of difference upon the same subjects as were embraced in the convention of January, upon terms perfectly consistent with the rights and honor of both nations.

I think you will see conclusive evidence of this in the concluding paragraph of the dispatch from my government, inclosing the Senate's resolution to me, which is as follows: "The President, however, is not without hope that upon a further consideration by the two governments of the questions involved in the negotiation, they may still be found to be susceptible of an amicable and satisfactory adjustment."

Your lordship is herewith furnished with a copy of the dispatch referred to.

In the hope thus expressed by the President, all good men of both countries must unite.

It is, indeed, impossible to suppose that governments as enlightened as ours can fail at any time to adjust all differences which may arise between them in an amicable way; and so as not only to remove controversies which may disturb their peaceful relations, but so to remove them that such relations will not only be continued but strengthened.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to remain, my lord, your lordship's most obedient servant,

REVERDY JOHNSON.

Right Hon. the Earl of CLARENDON, *&c., &c., &c.*

Resolution of the Senate of the United States.

In executive session, Senate of the United States, April 13, 1869:

Resolved, That the Senate do not advise and consent to the ratification of the convention between the United States of America and Great Britain, signed at London, January 14, 1869, providing for the adjustment of all outstanding claims of citizens and subjects of the parties respectively, two-thirds of the senators present not agreeing to the ratification thereof.

Attest: GEO. C. GORHAM, *Secretary.*

The Earl of Clarendon to Mr. Reverdy Johnson.

FOREIGN OFFICE, *May 4, 1869.*

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, inclosing a copy of a dispatch from the Secretary of State of

the United States dated the 19th of April, with a resolution of the Senate dated the 13th of that month, stating "that the Senate do not advise and consent to the ratification of the convention between the United States and Great Britain signed at London, January 14, 1869, providing for the adjustment of all outstanding claims of citizens and subjects of the parties respectively, two-thirds of the senators present not agreeing to the ratification thereof."

Mr. Fish, in the last paragraph of his dispatch, says that "the President, however, is not without hope that upon a further consideration by the two governments of the questions involved in the negotiation, they may still be found to be susceptible of an amicable and satisfactory adjustment."

In the hope thus expressed by the President, I have the honor to state to you that her Majesty's government cordially concur. During your residence in this country you must have had abundant evidence that it was the desire of the government and people of England that all differences between the two countries should be honorably settled, and that their relations with the United States should be of a most friendly character.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

REVERDY JOHNSON, Esq., &c., &c., &c.

Mr. Johnson to Mr. Fish.

No. 174.] LEGATION OF THE UNITED STATES,
London, May 10, 1869.

SIR: I have the honor to acknowledge the receipt of dispatches from the department numbered 106, 107, and 108, dated respectively the 24th and 27th ultimo.

In relation to your dispatch No. 108, I was, of course, aware before receiving it that the modification of the claims convention which formed the subject of the correspondence between the Earl of Clarendon and myself, referred to in my dispatch No. 150, was declined by the President. Whether such a modification would have rendered the convention acceptable to the President and Senate I cannot know. I deem it my duty, however, to add that such a modification cannot now be obtained. I think that this is owing to the publication of Mr. Sumner's speech, which has not only had an unfavorable effect upon the government, but upon the people of this country. If an opinion may be formed from the public press, there is not the remotest chance that the demands contained in that speech will ever be recognized by England. The universal sentiment will be found adverse to such a recognition. It would be held, as I hear from every reliable source, to be an abandonment of the rights and a disregard of the honor of this government.

I remain, with regard, your obedient servant,

REVERDY JOHNSON.

Hon. HAMILTON FISH,
Secretary of State.

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